

ESTTA Tracking number: **ESTTA633969**

Filing date: **10/20/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91212477
Party	Defendant GFA Brands, Inc.
Correspondence Address	JOHANNA M WILBERT QUARLES & BRADY LLP 411 E WISCONSIN AVE, SUITE 2040 MILWAUKEE, WI 53202-4497 UNITED STATES tm-dept@quarles.com, johanna.wilbert@quarles.com, dav- id.cross@quarles.com, DRC@quarles.com, marta.levine@quarles.com, an- drea.fowler@quarles.com
Submission	Defendant's Notice of Reliance
Filer's Name	Johanna M. Wilbert
Filer's e-mail	johanna.wilbert@quarles.com, deena.rafinski@quarles.com
Signature	/s/ Johanna M. Wilbert
Date	10/20/2014
Attachments	GFA's 1st Notice of Reliance.pdf(14177 bytes) Ex A-1 - GFA Reg No 2200663.pdf(50934 bytes) Ex A-2 - GFA Reg No 2237867.pdf(35700 bytes) Ex A-3 - GFA Reg No 2276285.pdf(108941 bytes) Ex A-4 - GFA Reg No 2952127.pdf(54706 bytes) Ex A-5 - GFA Reg No 2958216.pdf(44266 bytes) Ex A-6 - GFA Reg No 3649833.pdf(40481 bytes) Ex A-7 - GFA Reg No 3708400.pdf(34252 bytes) Ex A-8 - GFA Reg No 3747526.pdf(43823 bytes) Ex A-9 - GFA Reg No 3865917.pdf(33866 bytes) Ex A-10 - GFA Reg No 3958463.pdf(33407 bytes) Ex A-11 - GFA Reg No 3967828.pdf(31395 bytes) Ex A-12 - GFA Reg No 4029021.pdf(33859 bytes) Ex A-13 - GFA Reg No 4029650.pdf(31458 bytes) Ex A-14 - GFA Reg No 4112473.pdf(31285 bytes) Ex A-15 - GFA Reg No 4203379.pdf(27560 bytes)

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 85/751,520: EARTH BALANCE
Published for Opposition March 19, 2013

BALANCE BAR COMPANY,

Opposer,

Opposition No. 91212477

v.

GFA BRANDS, INC.,

Applicant.

APPLICANT'S FIRST NOTICE OF RELIANCE

Pursuant to Rule 2.122(d) of the Trademark Rules of Practice and Section 704.03(b)(1)(A) of the Trademark Trial and Appeal Board Manual of Procedure, Applicant, GFA Brands, Inc., hereby submits, makes of record in connection with this opposition proceeding, and notifies Opposer, Balance Bar Company, of Applicant's reliance upon the attached printouts of Applicant's registrations of the mark EARTH BALANCE and the mark SMART BALANCE, obtained from the USPTO's Trademark Status and Document Retrieval ("TSDR") system. These registrations are relevant because, among other things, Applicant's registrations for the mark EARTH BALANCE and the mark SMART BALANCE have been and continue to peacefully co-exist with Opposer's marks both on the USPTO's Principal Register and in commerce without consumer confusion. True and correct copies of the following TSDR records are attached hereto as Exhibits A-1 to A-15:

Exhibit No.:	Description
A-1	Registration No. 2, 200,663 for the mark SMART BALANCE in Class 29 for butter substitutes, cheese, lowfat and nonfat cheese substitutes, margarine, lowfat and nonfat margarine substitutes, shortening, lowfat and nonfat shortening, snack food dips and vegetable oils. Status: renewed Status date: May 9, 2009 Current Owner: Applicant (printed September 30, 2014)
A-2	Registration No. 2,237,867 for the mark EARTH BALANCE in Class 29 for butter substitutes, cheese, lowfat and nonfat cheese substitutes, margarine lowfat and nonfat margarine substitutes, shortening, lowfat and nonfat shortening, snack food dips and vegetable oils. Status: Renewed Status date: April 11, 2009 Current Owner: Applicant (printed September 30, 2014)
A-3	Registration No. 2,276,285 for the mark SMART BALANCE in Class 30 for mayonnaise, lowfat and nonfat mayonnaise substitutes, mayonnaise style dressings and salad dressings. Status: renewed Status date: September 16, 2009 Current Owner: Applicant (printed September 30, 2014)
A-4	Registration No. 2,952,127 for the mark SMART BALANCE in Class 30 for popped and processed popcorn. Status: Sections 8 and 15 combined declaration has been accepted and acknowledged Status date: July 13, 2010 Current Owner: Applicant (printed September 30, 2014)
A-5	Registration No. 2,958,216 for the mark SMART BALANCE OMEGA in Class 29 for butter substitutes, cheese, lowfat and nonfat cheese substitutes, margarine, lowfat and nonfat margarine substitutes, shortening, lowfat and nonfat shortening, snack food dips and vegetable oils. Status: Sections 8 and 15 combined declaration has been accepted and acknowledged Status date: March 27, 2011 Current Owner: Applicant (printed September 30, 2014)
A-6	Registration No. 3,649,833 for the mark SMART BALANCE in Class 29 for peanut butter. Status: Registered Status date: July 7, 2009 Current Owner: Applicant (printed September 30, 2014)
A-7	Registration No. 3,708,400 for the mark EARTH BALANCE in Class 29 for peanut butter. Status: Registered Status date: November 10, 2009 Current Owner: Applicant (printed September 30, 2014)

Exhibit No.:	Description
A-8	Registration No. 3,747,526 for the mark SMART BALANCE in Class 29 for eggs. Status: Registered Status date: February 9, 2010 Current Owner: Applicant (printed October 1, 2014)
A-9	Registration No. 3,865,917 for the mark SMART BALANCE in Class 29 for milk. Status: Registered Status date: October 19, 2010 Current Owner: Applicant (printed October 1, 2014)
A-10	Registration No. 3,958,463 for the mark SMART BALANCE in Class 29 for olive oil. Status: Registered Status date: May 10, 2011 Current Owner: Applicant (printed October 1, 2014)
A-11	Registration No. 3,967,828 for the mark EARTH BALANCE in Class 29 for soy milk. Status: Registered Status date: May 24, 2011 Current Owner: Applicant (printed October 1, 2014)
A-12	Registration No. 4,029,021 for the mark EARTH BALANCE in Class 29 for milk. Status: Registered Status date: September 20, 2011 Current Owner: Applicant (printed October 1, 2014)
A-13	Registration No. 4,029,650 for the mark EARTH BALANCE in Class 30 for mayonnaise; soy mayonnaise. Status: Registered Status date: September 20, 2011 Current Owner: Applicant (printed October 1, 2014)
A-14	Registration No. 4,112,473 for the mark EARTH BALANCE in Class 29 for soy eggnog. Status: Registered Status date: March 13, 2012 Current Owner: Applicant (printed October 1, 2014)
A-15	Registration No. 4,203,379 for the mark EARTH BALANCE in Class 29 for vegetable-based spreads. Status: Registered Status date: September 4, 2012 Current Owner: Applicant (printed October 1, 2014)

Dated this 20th day of October, 2014.

/s/ Johanna M. Wilbert

David R. Cross

Marta S. Levine

Johanna M. Wilbert

Andrea J. Fowler

Quarles & Brady LLP

411 East Wisconsin Avenue

Suite 2040

Milwaukee, Wisconsin 53202-4497

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Email: johanna.wilbert@quarles.com

Email: andrea.fowler@quarles.com

Attorneys for Applicant GFA Brands, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2014, I served upon counsel of record the foregoing
by causing the same to be delivered by U.S. mail and email to:

R. Glenn Schroeder
Schroeder Law PC
110 Cooper Street #605
Babylon, New York 11702
gschroeder@schroederlawpc.com

Dated this 20th day of October, 2014.

/s/ Johanna M. Wilbert

Johanna M. Wilbert
Quarles & Brady LLP
411 E. Wisconsin Avenue
Suite 2040
Milwaukee, WI 53202-4497
Phone: (414) 277-5000
Facsimile: (414) 978-8942
johanna.wilbert@quarles.com

EXHIBIT A-1

Generated on: This page was generated by TSDR on 2014-09-30 19:13:41 EDT

Mark: SMART BALANCE

US Serial Number: 75977525	Application Filing Date: Jul. 01, 1996
US Registration Number: 2200663	Registration Date: Oct. 27, 1998
Register: Principal	
Mark Type: Trademark	
Status: The registration has been renewed.	
Status Date: May 09, 2009	
Publication Date: Sep. 16, 1997	Notice of Allowance Date: Dec. 09, 1997

Mark Information

Mark Literal Elements: SMART BALANCE
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

International Registration Number: 1176826
International Application(s) /Registration(s) Based on this Property: A0037907/1176826
Claimed Ownership of US Registrations: 75127811
Child Of: 75127811

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: butter substitutes, cheese, lowfat [and nonfat] cheese [substitutes,] margarine, [lowfat and nonfat margarine substitutes,] shortening, lowfat and nonfat shortening, [snack food dips] and vegetable oils

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 1996

Use in Commerce: Oct. 1996

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: GFA BRANDS, INC.

Owner Address: 115 West Century Road
Suite 260
Paramus, NEW JERSEY 07652
UNITED STATES

Legal Entity Type: CORPORATION

**State or Country Where
Organized:** DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Larry H. Tronco

**Attorney Primary Email
Address:** docket@hollandhart.com

**Attorney Email
Authorized:** Yes

Correspondent

**Correspondent
Name/Address:** Larry H. Tronco
Holland & Hart LLP
P.O. Box 8749
Attn: Trademark Docketing
Denver, COLORADO 80201
UNITED STATES

Phone: (303) 473-2873

Fax: (303) 473-2720

Correspondent e-mail: docket@hollandhart.com

**Correspondent e-mail
Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 21, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
May 21, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Nov. 15, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Nov. 15, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 17, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 19, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 15, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 15, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Nov. 18, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Nov. 11, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 09, 2009	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69471
May 09, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 27, 2009	ASSIGNED TO PARALEGAL	69471
Apr. 24, 2009	TEAS SECTION 8 & 9 RECEIVED	
Nov. 07, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Aug. 02, 2007	CASE FILE IN TICRS	
Jun. 06, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 06, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 06, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 23, 2007	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jan. 07, 2004	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Oct. 29, 2003	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Oct. 29, 2003	TEAS SECTION 8 & 15 RECEIVED	
Oct. 27, 1998	REGISTERED-PRINCIPAL REGISTER	
Aug. 27, 1998	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jul. 29, 1998	STATEMENT OF USE PROCESSING COMPLETE	
Jun. 26, 1998	EXTENSION 1 GRANTED	

May 07, 1998	USE AMENDMENT FILED	
May 07, 1998	EXTENSION 1 FILED	
Jun. 27, 1998	DIVISIONAL PROCESSING COMPLETE	
Dec. 09, 1997	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 16, 1997	PUBLISHED FOR OPPOSITION	
Aug. 15, 1997	NOTICE OF PUBLICATION	
Jul. 16, 1997	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 18, 1997	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jan. 21, 1997	NON-FINAL ACTION MAILED	
Jan. 15, 1997	ASSIGNED TO EXAMINER	73343
Jan. 13, 1997	ASSIGNED TO EXAMINER	70722

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Oct. 27, 2008

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: May 09, 2009

Assignment Abstract Of Title Information

Summary

Total Assignments: 13

Registrant: GFA Brands, Inc.

Assignment 1 of 13

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [2825/0874](#)

Pages: 6

Date Recorded: Apr. 02, 2004

Supporting Documents: [assignment-tm-2825-0874.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Mar. 31, 2004

Legal Entity Type: CORPORATION

State or Country Where Organized: OHIO

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 600 MONTGOMERY STREET
C/O TSG4 L.P., SUITE 2900
SAN FRANCISCO, CALIFORNIA 94111

Correspondent

Correspondent Name: ROPES & GRAY LLP

Correspondent Address: ERIN A.DUGAN, IP PARALEGAL
ONE INTERNATIONAL PLACE
BOSTON, MA 02110

Domestic Representative - Not Found

Assignment 2 of 13

Conveyance: SECURITY AGREEMENT

Reel/Frame: [2952/0167](#)

Pages: 35

Date Recorded: Apr. 08, 2004

Supporting Documents: [assignment-tm-2952-0167.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Mar. 31, 2004

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: [UNION BANK OF CALIFORNIA, N.A., AS ADMINISTRATIVE AGENT FOR THE LENDERS](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where
Organized: No Place Where Organized Found

Address: 445 SOUTH FIGUEROA STREET, 13TH STREET
ATTN: GARY KIRSHNER
LOS ANGELES, CALIFORNIA 90071

Correspondent

Correspondent Name: PILLSBURY WINTHROP LLP

Correspondent Address: REX D. FRAZIER, ESQ.
725 SOUTH FIGUEROA STREET, SUITE 2800
LOS ANGELES, CALIFORNIA 90017-5406

Domestic Representative - Not Found

Assignment 3 of 13

Conveyance: CHANGE OF ADDRESS

Reel/Frame: [2926/0149](#)

Pages: 3

Date Recorded: Aug. 10, 2004

Supporting Documents: [assignment-tm-2926-0149.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Aug. 10, 2004

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 211 KNICKERBOCKER ROAD
CRESSKILL, NEW JERSEY 07626

Correspondent

Correspondent Name: ROPES & GRAY LLP

Correspondent Address: JACOB E. COMER, ESQ.
ONE INTERNATIONAL PLACE
BOSTON, MA 02110

Domestic Representative - Not Found

Assignment 4 of 13

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [3544/0352](#)

Pages: 5

Date Recorded: May 15, 2007

Supporting Documents: [assignment-tm-3544-0352.pdf](#)

Assignor

Name: [UNION BANK OF CALIFORNIA N.A.](#)

Execution Date: May 14, 2007

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where
Organized: No Place Where Organized Found

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: P.O. BOX 397 211 KNICKERBOCKER ROAD
CRESSKILL, NEW JERSEY 07626

Correspondent

Correspondent Name: PATRICK M. BERGIN

Correspondent Address: 111 EAST KILBOURN AVENUE
SUITE 1400
MILWAUKEE, WI 53202

Domestic Representative - Not Found

Assignment 5 of 13

Conveyance: FIRST LIEN INTELLECTUAL PROPERTY SECURITY AGREEMENT

Reel/Frame: [3652/0879](#)

Pages: 12

Date Recorded: Nov. 01, 2007

Supporting Documents: [assignment-tm-3652-0879.pdf](#)

Assignor

Name: [BSB ACQUISITION CO., INC.](#) Execution Date: May 21, 2007
Legal Entity Type: CORPORATION State or Country Where Organized: No Place Where Organized Found

Name: [BOULDER SPECIALTY BRANDS, INC.](#) Execution Date: May 21, 2007
Legal Entity Type: CORPORATION State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [BANK OF AMERICA, N.A.](#) State or Country Where Organized: No Place Where Organized Found
Legal Entity Type: NATIONAL ASSOCIATION
Address: 1455 MARKET ST.
5TH FLOOR
SAN FRANCISCO, CALIFORNIA 94103

Correspondent

Correspondent Name: SUSAN REISS
Correspondent Address: 599 LEXINGTON AVENUE
SHEARMAN & STERLING LLP
NEW YORK, NY 10022

Domestic Representative - Not Found

Assignment 6 of 13

Conveyance: SECOND LIEN INTELLECTUAL PROPERTY SECURITY AGREEMENT
Reel/Frame: [3652/0891](#) Pages: 12
Date Recorded: Nov. 01, 2007
Supporting Documents: [assignment-tm-3652-0891.pdf](#)

Assignor

Name: [BSB ACQUISITION CO., INC.](#) Execution Date: May 21, 2007
Legal Entity Type: CORPORATION State or Country Where Organized: No Place Where Organized Found

Name: [BOULDER SPECIALTY BRANDS, INC.](#) Execution Date: May 21, 2007
Legal Entity Type: CORPORATION State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [BANK OF AMERICA, N.A.](#) State or Country Where Organized: No Place Where Organized Found
Legal Entity Type: NATIONAL ASSOCIATION
Address: 1455 MARKET ST.
5TH FLOOR
SAN FRANCISCO, CALIFORNIA 94103

Correspondent

Correspondent Name: SUSAN REISS
Correspondent Address: 599 LEXINGTON AVENUE
SHEARMAN & STERLING LLP
NEW YORK, NY 10022

Domestic Representative - Not Found

Assignment 7 of 13

Conveyance: RELEASE OF FIRST LIEN INTELLECTUAL PROPERTY SECURITY AGREEMENT
Reel/Frame: [4090/0972](#) Pages: 11
Date Recorded: Nov. 04, 2009
Supporting Documents: [assignment-tm-4090-0972.pdf](#)

Assignor

Name: [BANK OF AMERICA, N.A.](#) Execution Date: Nov. 04, 2009
Legal Entity Type: CORPORATION State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [BSB ACQUISITION CO., INC.](#)
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE
Address: 115 W. CENTURY RD.
SUITE 260

PARAMUS, NEW JERSEY 07652

Name: [BOULDER SPECIALTY BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 115 WEST CENTURY RD.
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: PATRICK M. BERGIN

Correspondent Address: 111 E. KILBOURN AVE.
SUITE 1400
MILWAUKEE, WI 53202

Domestic Representative - Not Found

Assignment 8 of 13

Conveyance: RELEASE OF SECOND LIEN SECURITY INTEREST

Reel/Frame: [4090/0983](#)

Pages: 11

Date Recorded: Nov. 04, 2009

Supporting Documents: [assignment-tm-4090-0983.pdf](#)

Assignor

Name: [BANK OF AMERICA, N.A.](#)

Execution Date: Nov. 04, 2009

Legal Entity Type: CORPORATION

State or Country Where
Organized: No Place Where Organized Found

Assignee

Name: [BSB ACQUISITION CO., INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 115 W. CENTURY RD.
SUITE 260
PARAMUS, NEW JERSEY 07652

Name: [BOULDER SPECIALTY BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 115 W. CENTURY RD.
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: PATRICK M. BERGIN

Correspondent Address: 111 E. KILBOURN AVE.
SUITE 1400
MILWAUKEE, WI 53202

Domestic Representative - Not Found

Assignment 9 of 13

Conveyance: SECURITY INTEREST

Reel/Frame: [4091/0319](#)

Pages: 10

Date Recorded: Nov. 05, 2009

Supporting Documents: [assignment-tm-4091-0319.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Nov. 04, 2009

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)

Legal Entity Type: CHARTERED BANK

State or Country Where
Organized: CANADA

Address: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA

Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found

Assignment 10 of 13**Conveyance:** RELEASE BY SECURED PARTY**Reel/Frame:** [4812/0734](#)**Pages:** 7**Date Recorded:** Jul. 02, 2012**Supporting Documents:** [assignment-tm-4812-0734.pdf](#)**Assignor****Name:** [BANK OF MONTREAL](#)**Execution Date:** Jul. 02, 2012**Legal Entity Type:** CANADIAN CHARTERED BANK**State or Country Where
Organized:** CANADA**Assignee****Name:** [GFA BRANDS, INC.](#)**Legal Entity Type:** CORPORATION**State or Country Where
Organized:** DELAWARE**Address:** 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652**Correspondent****Correspondent Name:** JASON L. GREENBERG**Correspondent Address:** ONE NEW YORK PLAZA
FRIED FRANK LLP
NEW YORK, NY 10004-1980**Domestic Representative - Not Found****Assignment 11 of 13****Conveyance:** SECURITY INTEREST**Reel/Frame:** [4813/0493](#)**Pages:** 9**Date Recorded:** Jul. 02, 2012**Supporting Documents:** [assignment-tm-4813-0493.pdf](#)**Assignor****Name:** [GFA BRANDS, INC.](#)**Execution Date:** Jul. 02, 2012**Legal Entity Type:** CORPORATION**State or Country Where
Organized:** DELAWARE**Assignee****Name:** [BANK OF MONTREAL, AS AGENT](#)**Legal Entity Type:** CHARTERED BANK**State or Country Where
Organized:** CANADA**Address:** 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603**Correspondent****Correspondent Name:** RICHARD KALWA**Correspondent Address:** 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603**Domestic Representative - Not Found****Assignment 12 of 13****Conveyance:** RELEASE BY SECURED PARTY**Reel/Frame:** [5065/0914](#)**Pages:** 8**Date Recorded:** Jul. 09, 2013**Supporting Documents:** [assignment-tm-5065-0914.pdf](#)**Assignor****Name:** [BANK OF MONTREAL, AS ADMINISTRATIVE
AGENT](#)**Execution Date:** Jul. 09, 2013**Legal Entity Type:** CANADIAN CHARTERED BANK**State or Country Where
Organized:** CANADA**Assignee****Name:** [GFA BRANDS, INC.](#)**Legal Entity Type:** CORPORATION**State or Country Where
Organized:** DELAWARE**Address:** 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652**Correspondent**

Correspondent Name: HENRY LEBOWITZ

Correspondent Address: ONE NEW YORK PLAZA
FRIED FRANK LLP
NEW YORK, NY 10004

Domestic Representative - Not Found

Assignment 13 of 13

Conveyance: TRADEMARK COLLATERAL AGREEMENT

Reel/Frame: [5068/0393](#)

Pages: 9

Date Recorded: Jul. 11, 2013

Supporting Documents: [assignment-tm-5068-0393.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Jul. 09, 2013

Legal Entity Type: CORPORATION

**State or Country Where
Organized:** DELAWARE

Assignee

Name: [CITIBANK, N.A., AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: NATIONAL ASSOCIATION

**State or Country Where
Organized:** UNITED STATES

Address: 390 GREENWICH STREET
NEW YORK, NEW YORK 10013

Correspondent

Correspondent Name: LATHAM & WATKINS LLP

Correspondent Address: 650 TOWN CENTER DRIVE, SUITE 2000
COSTA MESA, CA 92626

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 4

Type of Proceeding: Opposition

Proceeding Number: [91193265](#)

Filing Date: Dec 31, 2009

Status: Terminated

Status Date: Apr 16, 2010

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Isaren AB; c/o Brejans

Correspondent Address: MARK LEBOW
YOUNG & THOMPSON
209 MADISON STREET, SUITE 500
ALEXANDRIA VA , 22314
UNITED STATES

Correspondent e-mail: trademarks@young-thompson.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE GOLF	Abandoned - After Inter-Partes Decision	79065432	

Plaintiff(s)

Name: GFA Brands, Inc.

Correspondent Address: PATRICK M. BERGIN
DAVIS & KUELTHAU, S.C.
111 E. KILBOURN AVE., SUITE 1400
MILWAUKEE WI , 53202
UNITED STATES

Correspondent e-mail: pbergin@dkattorneys.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75977525	2200663
SMART BALANCE	Renewed	75127811	2276285
SMART BALANCE	Section 8 and 15 - Accepted and Acknowledged	76252358	2952127
SMART BALANCE			

SMART BALANCE	Registered	77512724	3649833
SMART BALANCE OMEGA	Section 8 and 15 - Accepted and Acknowledged	78272133	2958216
SMART BALANCE	Abandoned - No Statement Of Use Filed	77200582	
SMART BALANCE	Registered	77566103	3747526

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 31, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 05, 2010	Feb 14, 2010
3	PENDING, INSTITUTED	Jan 05, 2010	
4	NOTICE OF DEFAULT	Mar 02, 2010	
5	BOARD'S DECISION: SUSTAINED	Apr 16, 2010	
6	TERMINATED	Apr 16, 2010	

Type of Proceeding: Opposition

Proceeding Number: [91193087](#)

Filing Date: Dec 21, 2009

Status: Terminated

Status Date: Dec 01, 2010

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Radio Foods LLC

Correspondent Address: BASSAM N IBRAHIM
BUCHANAN INGERSOLL & ROONEY PC
1737 KING STREET, SUITE 500
ALEXANDRIA VA , 22314-1404
UNITED STATES

Correspondent e-mail: bassam.ibrahim@bipc.com , lloyd.smith@bipc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART GOODNESS	Abandoned - After Inter-Partes Decision	77620901	

Plaintiff(s)

Name: GFA Brands, Inc.

Correspondent Address: PATRICK M BERGIN
DAVIS & KUELTHAU SC
111 EAST KILBOURN AVENUE, SUITE 1400
MILWAUKEE WI , 53202
UNITED STATES

Correspondent e-mail: jheino@dkattorneys.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Section 8 and 15 - Accepted and Acknowledged	76252358	2952127
SMART BALANCE	Renewed	75127811	2276285
SMART BALANCE	Renewed	75977525	2200663
SMART BALANCE	Registered	77512724	3649833
SMART BALANCE OMEGA	Section 8 and 15 - Accepted and Acknowledged	78272133	2958216
SMART BALANCE	Abandoned - No Statement Of Use Filed	77200582	
SMART BALANCE	Registered	77566103	3747526

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 21, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 21, 2009	Jan 30, 2010
3	PENDING, INSTITUTED	Dec 21, 2009	
4	ANSWER	Jan 25, 2010	

5	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 30, 2010
6	EXTENSION OF TIME GRANTED	Apr 05, 2010
7	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 31, 2010
8	EXTENSION OF TIME GRANTED	Apr 12, 2010
9	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 30, 2010
10	EXTENSION OF TIME GRANTED	May 10, 2010
11	CHANGE OF CORRESPONDENCE ADDRESS	May 13, 2010
12	D'S CHANGE OF CORRESPONDENCE ADDRESS	May 13, 2010
13	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jun 29, 2010
14	EXTENSION OF TIME GRANTED	Jul 08, 2010
15	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 30, 2010
16	EXTENSION OF TIME GRANTED	Sep 11, 2010
17	STIPULATION FOR AN EXTENSION OF TIME	Oct 26, 2010
18	EXTENSION OF TIME GRANTED	Oct 26, 2010
19	WITHDRAWAL OF APPLICATION	Nov 23, 2010
20	BOARD'S DECISION: SUSTAINED	Dec 01, 2010
21	TERMINATED	Dec 01, 2010

Type of Proceeding: Opposition

Proceeding Number: [91162269](#)

Filing Date: Sep 24, 2004

Status: Terminated

Status Date: Apr 24, 2005

Interlocutory Attorney: ANGELA LYKOS

Defendant

Name: Ripon Foods, Inc.

Correspondent Address: Mark A. Paskar
Bryan Cave LLP
211 North Broadway Suite 3600
St. Louis MO U SA , 63102-2750

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BAKE	Abandoned - After Inter-Partes Decision	78198463	

Plaintiff(s)

Name: GFA Brands, Inc.

Correspondent Address: John L. Ambrogio
Welsh & Katz, Ltd.
120 South Riverside Plaza 22nd Floor
Chicago IL , 60606
UNITED STATES

Correspondent e-mail: jladocket@welshkatz.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75977525	2200663

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 24, 2004	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 25, 2004	Nov 04, 2004
3	PENDING, INSTITUTED	Sep 25, 2004	
4	NOTICE OF DEFAULT	Mar 12, 2005	
5	BOARD'S DECISION: SUSTAINED	Apr 24, 2005	
6	TERMINATED	Apr 24, 2005	

Type of Proceeding: Extension of Time

Proceeding Number: [78198463](#)

Filing Date: Apr 12, 2004

Status: Terminated

Status Date: Oct 27, 2004

Interlocutory Attorney:

Defendant**Name:** Ripon Foods, Inc.**Correspondent Address:** Mark A. Paskar
Bryan Cave LLP
211 North Broadway Suite 3600
St. Louis MO , 63102-2750
UNITED STATES**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SMART BAKE	Abandoned - After Inter-Partes Decision	78198463	

Potential Opposer(s)**Name:** GFA Brands, Inc.**Correspondent Address:** John L. Ambrogio
Welsh & Katz, Ltd.
120 South Riverside Plaza 22nd Floor
Chicago IL , 60606
UNITED STATES**Correspondent e-mail:** jladocket@welshkatz.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75977525	2200663

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Apr 12, 2004	
2	EXTENSION OF TIME GRANTED	Apr 12, 2004	
3	INCOMING - EXT TIME TO OPPOSE FILED	May 26, 2004	
4	EXTENSION OF TIME GRANTED	May 26, 2004	
5	INCOMING - EXT TIME TO OPPOSE FILED	Jul 23, 2004	
6	EXTENSION OF TIME GRANTED	Jul 23, 2004	

EXHIBIT A-2

Generated on: This page was generated by TSDR on 2014-09-30 19:16:11 EDT

Mark: EARTH BALANCE

US Serial Number: 75978107

Application Filing Date: Jun. 26, 1996

US Registration Number: 2237867

Registration Date: Apr. 06, 1999

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Apr. 11, 2009

Publication Date: Sep. 16, 1997

Notice of Allowance Date: Dec. 09, 1997

Mark Information

Mark Literal Elements: EARTH BALANCE

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US 75125742

Registrations:

Child Of: 75125742

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: butter substitutes, [cheese, lowfat and nonfat cheese substitutes, margarine lowfat and nonfat margarine substitutes,] shortening, [lowfat and nonfat shortening, snack food dips and vegetable oils]

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 1998

Use in Commerce: Feb. 1998

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: GFA BRANDS, INC.

Owner Address: 115 West Century Road
Suite 260
Paramus, NEW JERSEY 07652
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE**Attorney/Correspondence Information****Attorney of Record****Attorney Name:** Larry H. Tronco**Attorney Primary Email Address:** docket@hollandhart.com**Attorney Email Authorized:** Yes**Correspondent****Correspondent Name/Address:** Larry H. Tronco
Holland & Hart LLP
P.O. Box 8749
Attn: Trademark Docketing
Denver, COLORADO 80201
UNITED STATES**Phone:** (303) 473-2873**Fax:** (303) 473-2720**Correspondent e-mail:** docket@hollandhart.com**Correspondent e-mail Authorized:** Yes**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
May 21, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
May 21, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Nov. 15, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Nov. 15, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 17, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 19, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 15, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 15, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Nov. 18, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Nov. 11, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Apr. 11, 2009	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	67603
Apr. 11, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 07, 2009	ASSIGNED TO PARALEGAL	67603
Apr. 06, 2009	TEAS SECTION 8 & 9 RECEIVED	
Nov. 07, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 06, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 06, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 06, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 23, 2007	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 28, 2005	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Apr. 26, 2005	ASSIGNED TO PARALEGAL	64591
Apr. 07, 2005	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Apr. 07, 2005	TEAS SECTION 8 & 15 RECEIVED	
Apr. 06, 1999	REGISTERED-PRINCIPAL REGISTER	
Jan. 30, 1999	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 30, 1999	ASSIGNED TO EXAMINER	73373
Jan. 11, 1999	STATEMENT OF USE PROCESSING COMPLETE	
Jan. 11, 1999	EXTENSION 2 GRANTED	
Dec. 04, 1998	EXTENSION 2 FILED	
Dec. 04, 1998	USE AMENDMENT FILED	
Jan. 14, 1999	DIVISIONAL PROCESSING COMPLETE	

Apr. 24, 1998 EXTENSION 1 GRANTED
Apr. 24, 1998 EXTENSION 1 FILED
Dec. 09, 1997 NOA MAILED - SOU REQUIRED FROM APPLICANT
Sep. 16, 1997 PUBLISHED FOR OPPOSITION
Aug. 15, 1997 NOTICE OF PUBLICATION
Jul. 16, 1997 APPROVED FOR PUB - PRINCIPAL REGISTER
Jun. 18, 1997 CORRESPONDENCE RECEIVED IN LAW OFFICE
Jan. 21, 1997 NON-FINAL ACTION MAILED
Jan. 10, 1997 ASSIGNED TO EXAMINER

73343

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Apr. 06, 2009

TM Staff and Location Information

TM Staff Information - None
File Location

Current Location: POST REGISTRATION

Date in Location: Apr. 11, 2009

Assignment Abstract Of Title Information

Summary

Total Assignments: 13

Registrant: GFA Brands, Inc.

Assignment 1 of 13

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [2825/0874](#)

Pages: 6

Date Recorded: Apr. 02, 2004

Supporting Documents: [assignment-tm-2825-0874.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Mar. 31, 2004

Legal Entity Type: CORPORATION

State or Country Where Organized: OHIO

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 600 MONTGOMERY STREET
C/O TSG4 L.P., SUITE 2900
SAN FRANCISCO, CALIFORNIA 94111

Correspondent

Correspondent Name: ROPES & GRAY LLP

Correspondent Address: ERIN A.DUGAN, IP PARALEGAL
ONE INTERNATIONAL PLACE
BOSTON, MA 02110

Domestic Representative - Not Found

Assignment 2 of 13

Conveyance: SECURITY AGREEMENT

Reel/Frame: [2952/0167](#)

Pages: 35

Date Recorded: Apr. 08, 2004

Supporting Documents: [assignment-tm-2952-0167.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Mar. 31, 2004

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [UNION BANK OF CALIFORNIA, N.A., AS ADMINISTRATIVE AGENT FOR THE LENDERS](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Address: 445 SOUTH FIGUEROA STREET, 13TH STREET
ATTN: GARY KIRSHNER
LOS ANGELES, CALIFORNIA 90071

Correspondent

Correspondent Name: PILLSBURY WINTHROP LLP

Correspondent Address: REX D. FRAZIER, ESQ.
725 SOUTH FIGUEROA STREET, SUITE 2800
LOS ANGELES, CALIFORNIA 90017-5406

Domestic Representative - Not Found

Assignment 3 of 13

Conveyance: CHANGE OF ADDRESS

Reel/Frame: [2926/0149](#)

Pages: 3

Date Recorded: Aug. 10, 2004

Supporting Documents: [assignment-tm-2926-0149.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Aug. 10, 2004

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 211 KNICKERBOCKER ROAD
CRESSKILL, NEW JERSEY 07626

Correspondent

Correspondent Name: ROPES & GRAY LLP

Correspondent Address: JACOB E. COMER, ESQ.
ONE INTERNATIONAL PLACE
BOSTON, MA 02110

Domestic Representative - Not Found

Assignment 4 of 13

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [3544/0352](#)

Pages: 5

Date Recorded: May 15, 2007

Supporting Documents: [assignment-tm-3544-0352.pdf](#)

Assignor

Name: [UNION BANK OF CALIFORNIA N.A.](#)

Execution Date: May 14, 2007

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: P.O. BOX 397 211 KNICKERBOCKER ROAD
CRESSKILL, NEW JERSEY 07626

Correspondent

Correspondent Name: PATRICK M. BERGIN

Correspondent Address: 111 EAST KILBOURN AVENUE
SUITE 1400
MILWAUKEE, WI 53202

Domestic Representative - Not Found

Assignment 5 of 13

Conveyance: FIRST LIEN INTELLECTUAL PROPERTY SECURITY AGREEMENT

Reel/Frame: [3652/0879](#)

Pages: 12

Date Recorded: Nov. 01, 2007

Supporting Documents: [assignment-tm-3652-0879.pdf](#)

Assignor

Name: [BSB ACQUISITION CO., INC.](#)

Execution Date: May 21, 2007

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Name: [BOULDER SPECIALTY BRANDS, INC.](#)

Execution Date: May 21, 2007

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [BANK OF AMERICA, N.A.](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Address: 1455 MARKET ST.
5TH FLOOR
SAN FRANCISCO, CALIFORNIA 94103

Correspondent

Correspondent Name: SUSAN REISS

Correspondent Address: 599 LEXINGTON AVENUE
SHEARMAN & STERLING LLP
NEW YORK, NY 10022

Domestic Representative - Not Found

Assignment 6 of 13

Conveyance: SECOND LIEN INTELLECTUAL PROPERTY SECURITY AGREEMENT

Reel/Frame: [3652/0891](#)

Pages: 12

Date Recorded: Nov. 01, 2007

Supporting Documents: [assignment-tm-3652-0891.pdf](#)

Assignor

Name: [BSB ACQUISITION CO., INC.](#)

Execution Date: May 21, 2007

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Name: [BOULDER SPECIALTY BRANDS, INC.](#)

Execution Date: May 21, 2007

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [BANK OF AMERICA, N.A.](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Address: 1455 MARKET ST.
5TH FLOOR
SAN FRANCISCO, CALIFORNIA 94103

Correspondent

Correspondent Name: SUSAN REISS

Correspondent Address: 599 LEXINGTON AVENUE
SHEARMAN & STERLING LLP
NEW YORK, NY 10022

Domestic Representative - Not Found

Assignment 7 of 13

Conveyance: RELEASE OF FIRST LIEN INTELLECTUAL PROPERTY SECURITY AGREEMENT

Reel/Frame: [4090/0972](#)

Pages: 11

Date Recorded: Nov. 04, 2009

Supporting Documents: [assignment-tm-4090-0972.pdf](#)

Assignor

Name: [BANK OF AMERICA, N.A.](#)

Execution Date: Nov. 04, 2009

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [BSB ACQUISITION CO., INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 115 W. CENTURY RD.
SUITE 260
PARAMUS, NEW JERSEY 07652

Name: [BOULDER SPECIALTY BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Organized:

Address: 115 WEST CENTURY RD.
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: PATRICK M. BERGIN

Correspondent Address: 111 E. KILBOURN AVE.
SUITE 1400
MILWAUKEE, WI 53202

Domestic Representative - Not Found

Assignment 8 of 13

Conveyance: RELEASE OF SECOND LIEN SECURITY INTEREST

Reel/Frame: [4090/0983](#)

Pages: 11

Date Recorded: Nov. 04, 2009

Supporting Documents: [assignment-tm-4090-0983.pdf](#)

Assignor

Name: [BANK OF AMERICA, N.A.](#)

Execution Date: Nov. 04, 2009

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [BSB ACQUISITION CO., INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 115 W. CENTURY RD.
SUITE 260
PARAMUS, NEW JERSEY 07652

Name: [BOULDER SPECIALTY BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 115 W. CENTURY RD.
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: PATRICK M. BERGIN

Correspondent Address: 111 E. KILBOURN AVE.
SUITE 1400
MILWAUKEE, WI 53202

Domestic Representative - Not Found

Assignment 9 of 13

Conveyance: SECURITY INTEREST

Reel/Frame: [4091/0319](#)

Pages: 10

Date Recorded: Nov. 05, 2009

Supporting Documents: [assignment-tm-4091-0319.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Nov. 04, 2009

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)

Legal Entity Type: CHARTERED BANK

State or Country Where Organized: CANADA

Address: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA

Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found

Assignment 10 of 13

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [4812/0734](#)

Pages: 7

Date Recorded: Jul. 02, 2012

Supporting Documents: [assignment-tm-4812-0734.pdf](#)

Assignor

Name: [BANK OF MONTREAL](#) Execution Date: Jul. 02, 2012
Legal Entity Type: CANADIAN CHARTERED BANK State or Country Where Organized: CANADA

Assignee

Name: [GFA BRANDS, INC.](#)
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE
Address: 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: JASON L. GREENBERG
Correspondent Address: ONE NEW YORK PLAZA
FRIED FRANK LLP
NEW YORK, NY 10004-1980

Domestic Representative - Not Found

Assignment 11 of 13

Conveyance: SECURITY INTEREST
Reel/Frame: [4813/0493](#) Pages: 9
Date Recorded: Jul. 02, 2012
Supporting Documents: [assignment-tm-4813-0493.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#) Execution Date: Jul. 02, 2012
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)
Legal Entity Type: CHARTERED BANK State or Country Where Organized: CANADA
Address: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA
Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found

Assignment 12 of 13

Conveyance: RELEASE BY SECURED PARTY
Reel/Frame: [5065/0914](#) Pages: 8
Date Recorded: Jul. 09, 2013
Supporting Documents: [assignment-tm-5065-0914.pdf](#)

Assignor

Name: [BANK OF MONTREAL, AS ADMINISTRATIVE AGENT](#) Execution Date: Jul. 09, 2013
Legal Entity Type: CANADIAN CHARTERED BANK State or Country Where Organized: CANADA

Assignee

Name: [GFA BRANDS, INC.](#)
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE
Address: 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: HENRY LEBOWITZ
Correspondent Address: ONE NEW YORK PLAZA
FRIED FRANK LLP
NEW YORK, NY 10004

Domestic Representative - Not Found

Assignment 13 of 13

Conveyance: TRADEMARK COLLATERAL AGREEMENT

Reel/Frame: [5068/0393](#)

Pages: 9

Date Recorded: Jul. 11, 2013

Supporting Documents: [assignment-tm-5068-0393.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Jul. 09, 2013

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: [CITIBANK, N.A., AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where
Organized: UNITED STATES

Address: 390 GREENWICH STREET
NEW YORK, NEW YORK 10013

Correspondent

Correspondent Name: LATHAM & WATKINS LLP

Correspondent Address: 650 TOWN CENTER DRIVE, SUITE 2000
COSTA MESA, CA 92626

Domestic Representative - Not Found

EXHIBIT A-3

Generated on: This page was generated by TSDR on 2014-09-30 19:18:08 EDT

Mark: SMART BALANCE

SMART BALANCE

US Serial Number: 75127811

Application Filing Date: Jul. 01, 1996

US Registration Number: 2276285

Registration Date: Sep. 07, 1999

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Sep. 16, 2009

Publication Date: Sep. 16, 1997

Notice of Allowance Date: Dec. 09, 1997

Mark Information

Mark Literal Elements: SMART BALANCE

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

International Registration Number: 1176826

International Application(s) /Registration(s) Based on this Property: A0037907/1176826

Claimed Ownership of US Registrations: 75977525

Parent Of: 75977525

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: mayonnaise [, lowfat and nonfat mayonnaise substitutes, mayonnaise style dressings and salad dressings]

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 1999

Use in Commerce: Feb. 1999

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: GFA BRANDS, INC.

Owner Address: 115 West Century Road
Suite 260
Paramus, NEW JERSEY 07652
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Larry H. Tronco

Attorney Primary Email Address: docket@hollandhart.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Larry H. Tronco
Holland & Hart LLP
P.O. Box 8749
Attn: Trademark Docketing
Denver, COLORADO 80201
UNITED STATES

Phone: (303) 473-2873

Fax: (303) 473-2720

Correspondent e-mail: docket@hollandhart.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 21, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
May 21, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Nov. 15, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Nov. 15, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 17, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 12, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 15, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 15, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Nov. 18, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Nov. 11, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 16, 2009	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	66607
Sep. 16, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Sep. 11, 2009	ASSIGNED TO PARALEGAL	66607
Sep. 04, 2009	TEAS SECTION 8 & 9 RECEIVED	
Nov. 07, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 06, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 06, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 06, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 23, 2007	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Sep. 05, 2006	CASE FILE IN TICRS	
Dec. 16, 2004	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Nov. 01, 2004	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Nov. 01, 2004	TEAS SECTION 8 & 15 RECEIVED	
Sep. 07, 1999	REGISTERED-PRINCIPAL REGISTER	
Jul. 01, 1999	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jul. 01, 1999	ASSIGNED TO EXAMINER	73373
Jun. 25, 1999	STATEMENT OF USE PROCESSING COMPLETE	
Jun. 25, 1999	EXTENSION 3 GRANTED	
May 25, 1999	USE AMENDMENT FILED	
May 25, 1999	EXTENSION 3 FILED	
Dec. 28, 1998	EXTENSION 2 GRANTED	
Dec. 03, 1998	EXTENSION 2 FILED	
Jun. 26, 1998	EXTENSION 1 GRANTED	

May 07, 1998	EXTENSION 1 FILED	
Jun. 27, 1998	DIVISIONAL PROCESSING COMPLETE	
May 07, 1998	DIVISIONAL REQUEST RECEIVED	
Dec. 09, 1997	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 16, 1997	PUBLISHED FOR OPPOSITION	
Aug. 15, 1997	NOTICE OF PUBLICATION	
Jul. 16, 1997	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 18, 1997	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jan. 21, 1997	NON-FINAL ACTION MAILED	
Jan. 15, 1997	ASSIGNED TO EXAMINER	73343
Jan. 13, 1997	ASSIGNED TO EXAMINER	70722

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Sep. 07, 2009

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Sep. 16, 2009

Assignment Abstract Of Title Information

Summary

Total Assignments: 13

Registrant: GFA Brands, Inc.

Assignment 1 of 13

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [2825/0874](#)

Pages: 6

Date Recorded: Apr. 02, 2004

Supporting Documents: [assignment-tm-2825-0874.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Mar. 31, 2004

Legal Entity Type: CORPORATION

State or Country Where Organized: OHIO

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 600 MONTGOMERY STREET
C/O TSG4 L.P., SUITE 2900
SAN FRANCISCO, CALIFORNIA 94111

Correspondent

Correspondent Name: ROPES & GRAY LLP

Correspondent Address: ERIN A.DUGAN, IP PARALEGAL
ONE INTERNATIONAL PLACE
BOSTON, MA 02110

Domestic Representative - Not Found

Assignment 2 of 13

Conveyance: SECURITY AGREEMENT

Reel/Frame: [2952/0167](#)

Pages: 35

Date Recorded: Apr. 08, 2004

Supporting Documents: [assignment-tm-2952-0167.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Mar. 31, 2004

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: [UNION BANK OF CALIFORNIA, N.A., AS ADMINISTRATIVE AGENT FOR THE LENDERS](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where
Organized: No Place Where Organized Found

Address: 445 SOUTH FIGUEROA STREET, 13TH STREET
ATTN: GARY KIRSHNER
LOS ANGELES, CALIFORNIA 90071

Correspondent

Correspondent Name: PILLSBURY WINTHROP LLP

Correspondent Address: REX D. FRAZIER, ESQ.
725 SOUTH FIGUEROA STREET, SUITE 2800
LOS ANGELES, CALIFORNIA 90017-5406

Domestic Representative - Not Found

Assignment 3 of 13

Conveyance: CHANGE OF ADDRESS

Reel/Frame: [2926/0149](#)

Pages: 3

Date Recorded: Aug. 10, 2004

Supporting Documents: [assignment-tm-2926-0149.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Aug. 10, 2004

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 211 KNICKERBOCKER ROAD
CRESSKILL, NEW JERSEY 07626

Correspondent

Correspondent Name: ROPES & GRAY LLP

Correspondent Address: JACOB E. COMER, ESQ.
ONE INTERNATIONAL PLACE
BOSTON, MA 02110

Domestic Representative - Not Found

Assignment 4 of 13

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [3544/0352](#)

Pages: 5

Date Recorded: May 15, 2007

Supporting Documents: [assignment-tm-3544-0352.pdf](#)

Assignor

Name: [UNION BANK OF CALIFORNIA N.A.](#)

Execution Date: May 14, 2007

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where
Organized: No Place Where Organized Found

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: P.O. BOX 397 211 KNICKERBOCKER ROAD
CRESSKILL, NEW JERSEY 07626

Correspondent

Correspondent Name: PATRICK M. BERGIN

Correspondent Address: 111 EAST KILBOURN AVENUE
SUITE 1400
MILWAUKEE, WI 53202

Domestic Representative - Not Found

Assignment 5 of 13

Conveyance: FIRST LIEN INTELLECTUAL PROPERTY SECURITY AGREEMENT

Reel/Frame: [3652/0879](#)

Pages: 12

Date Recorded: Nov. 01, 2007

Supporting Documents: [assignment-tm-3652-0879.pdf](#)

Assignor

Name: [BSB ACQUISITION CO., INC.](#) Execution Date: May 21, 2007
Legal Entity Type: CORPORATION State or Country Where Organized: No Place Where Organized Found

Name: [BOULDER SPECIALTY BRANDS, INC.](#) Execution Date: May 21, 2007
Legal Entity Type: CORPORATION State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [BANK OF AMERICA, N.A.](#) State or Country Where Organized: No Place Where Organized Found
Legal Entity Type: NATIONAL ASSOCIATION
Address: 1455 MARKET ST.
5TH FLOOR
SAN FRANCISCO, CALIFORNIA 94103

Correspondent

Correspondent Name: SUSAN REISS
Correspondent Address: 599 LEXINGTON AVENUE
SHEARMAN & STERLING LLP
NEW YORK, NY 10022

Domestic Representative - Not Found

Assignment 6 of 13

Conveyance: SECOND LIEN INTELLECTUAL PROPERTY SECURITY AGREEMENT
Reel/Frame: [3652/0891](#) Pages: 12
Date Recorded: Nov. 01, 2007
Supporting Documents: [assignment-tm-3652-0891.pdf](#)

Assignor

Name: [BSB ACQUISITION CO., INC.](#) Execution Date: May 21, 2007
Legal Entity Type: CORPORATION State or Country Where Organized: No Place Where Organized Found

Name: [BOULDER SPECIALTY BRANDS, INC.](#) Execution Date: May 21, 2007
Legal Entity Type: CORPORATION State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [BANK OF AMERICA, N.A.](#) State or Country Where Organized: No Place Where Organized Found
Legal Entity Type: NATIONAL ASSOCIATION
Address: 1455 MARKET ST.
5TH FLOOR
SAN FRANCISCO, CALIFORNIA 94103

Correspondent

Correspondent Name: SUSAN REISS
Correspondent Address: 599 LEXINGTON AVENUE
SHEARMAN & STERLING LLP
NEW YORK, NY 10022

Domestic Representative - Not Found

Assignment 7 of 13

Conveyance: RELEASE OF FIRST LIEN INTELLECTUAL PROPERTY SECURITY AGREEMENT
Reel/Frame: [4090/0972](#) Pages: 11
Date Recorded: Nov. 04, 2009
Supporting Documents: [assignment-tm-4090-0972.pdf](#)

Assignor

Name: [BANK OF AMERICA, N.A.](#) Execution Date: Nov. 04, 2009
Legal Entity Type: CORPORATION State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [BSB ACQUISITION CO., INC.](#)
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE
Address: 115 W. CENTURY RD.
SUITE 260

PARAMUS, NEW JERSEY 07652

Name: [BOULDER SPECIALTY BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 115 WEST CENTURY RD.
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: PATRICK M. BERGIN

Correspondent Address: 111 E. KILBOURN AVE.
SUITE 1400
MILWAUKEE, WI 53202

Domestic Representative - Not Found

Assignment 8 of 13

Conveyance: RELEASE OF SECOND LIEN SECURITY INTEREST

Reel/Frame: [4090/0983](#)

Pages: 11

Date Recorded: Nov. 04, 2009

Supporting Documents: [assignment-tm-4090-0983.pdf](#)

Assignor

Name: [BANK OF AMERICA, N.A.](#)

Execution Date: Nov. 04, 2009

Legal Entity Type: CORPORATION

State or Country Where
Organized: No Place Where Organized Found

Assignee

Name: [BSB ACQUISITION CO., INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 115 W. CENTURY RD.
SUITE 260
PARAMUS, NEW JERSEY 07652

Name: [BOULDER SPECIALTY BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 115 W. CENTURY RD.
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: PATRICK M. BERGIN

Correspondent Address: 111 E. KILBOURN AVE.
SUITE 1400
MILWAUKEE, WI 53202

Domestic Representative - Not Found

Assignment 9 of 13

Conveyance: SECURITY INTEREST

Reel/Frame: [4091/0319](#)

Pages: 10

Date Recorded: Nov. 05, 2009

Supporting Documents: [assignment-tm-4091-0319.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Nov. 04, 2009

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)

Legal Entity Type: CHARTERED BANK

State or Country Where
Organized: CANADA

Address: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA

Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found

Assignment 10 of 13**Conveyance:** RELEASE BY SECURED PARTY**Reel/Frame:** [4812/0734](#)**Pages:** 7**Date Recorded:** Jul. 02, 2012**Supporting Documents:** [assignment-tm-4812-0734.pdf](#)**Assignor****Name:** [BANK OF MONTREAL](#)**Execution Date:** Jul. 02, 2012**Legal Entity Type:** CANADIAN CHARTERED BANK**State or Country Where
Organized:** CANADA**Assignee****Name:** [GFA BRANDS, INC.](#)**Legal Entity Type:** CORPORATION**State or Country Where
Organized:** DELAWARE**Address:** 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652**Correspondent****Correspondent Name:** JASON L. GREENBERG**Correspondent Address:** ONE NEW YORK PLAZA
FRIED FRANK LLP
NEW YORK, NY 10004-1980**Domestic Representative - Not Found****Assignment 11 of 13****Conveyance:** SECURITY INTEREST**Reel/Frame:** [4813/0493](#)**Pages:** 9**Date Recorded:** Jul. 02, 2012**Supporting Documents:** [assignment-tm-4813-0493.pdf](#)**Assignor****Name:** [GFA BRANDS, INC.](#)**Execution Date:** Jul. 02, 2012**Legal Entity Type:** CORPORATION**State or Country Where
Organized:** DELAWARE**Assignee****Name:** [BANK OF MONTREAL, AS AGENT](#)**Legal Entity Type:** CHARTERED BANK**State or Country Where
Organized:** CANADA**Address:** 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603**Correspondent****Correspondent Name:** RICHARD KALWA**Correspondent Address:** 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603**Domestic Representative - Not Found****Assignment 12 of 13****Conveyance:** RELEASE BY SECURED PARTY**Reel/Frame:** [5065/0914](#)**Pages:** 8**Date Recorded:** Jul. 09, 2013**Supporting Documents:** [assignment-tm-5065-0914.pdf](#)**Assignor****Name:** [BANK OF MONTREAL, AS ADMINISTRATIVE
AGENT](#)**Execution Date:** Jul. 09, 2013**Legal Entity Type:** CANADIAN CHARTERED BANK**State or Country Where
Organized:** CANADA**Assignee****Name:** [GFA BRANDS, INC.](#)**Legal Entity Type:** CORPORATION**State or Country Where
Organized:** DELAWARE**Address:** 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652**Correspondent**

Correspondent Name: HENRY LEBOWITZ

Correspondent Address: ONE NEW YORK PLAZA
FRIED FRANK LLP
NEW YORK, NY 10004

Domestic Representative - Not Found

Assignment 13 of 13

Conveyance: TRADEMARK COLLATERAL AGREEMENT

Reel/Frame: [5068/0393](#)

Pages: 9

Date Recorded: Jul. 11, 2013

Supporting Documents: [assignment-tm-5068-0393.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Jul. 09, 2013

Legal Entity Type: CORPORATION

**State or Country Where
Organized:** DELAWARE

Assignee

Name: [CITIBANK, N.A., AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: NATIONAL ASSOCIATION

**State or Country Where
Organized:** UNITED STATES

Address: 390 GREENWICH STREET
NEW YORK, NEW YORK 10013

Correspondent

Correspondent Name: LATHAM & WATKINS LLP

Correspondent Address: 650 TOWN CENTER DRIVE, SUITE 2000
COSTA MESA, CA 92626

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 17

Type of Proceeding: Opposition

Proceeding Number: [91193265](#)

Filing Date: Dec 31, 2009

Status: Terminated

Status Date: Apr 16, 2010

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Isaren AB; c/o Brejans

Correspondent Address: MARK LEBOW
YOUNG & THOMPSON
209 MADISON STREET, SUITE 500
ALEXANDRIA VA , 22314
UNITED STATES

Correspondent e-mail: trademarks@young-thompson.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE GOLF	Abandoned - After Inter-Partes Decision	79065432	

Plaintiff(s)

Name: GFA Brands, Inc.

Correspondent Address: PATRICK M. BERGIN
DAVIS & KUELTHAU, S.C.
111 E. KILBOURN AVE., SUITE 1400
MILWAUKEE WI , 53202
UNITED STATES

Correspondent e-mail: pbergin@dkattorneys.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75977525	2200663
SMART BALANCE	Renewed	75127811	2276285
SMART BALANCE	Section 8 and 15 - Accepted and Acknowledged	76252358	2952127
SMART BALANCE			

SMART BALANCE	Registered	77512724	3649833
SMART BALANCE OMEGA	Section 8 and 15 - Accepted and Acknowledged	78272133	2958216
SMART BALANCE	Abandoned - No Statement Of Use Filed	77200582	
SMART BALANCE	Registered	77566103	3747526

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 31, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 05, 2010	Feb 14, 2010
3	PENDING, INSTITUTED	Jan 05, 2010	
4	NOTICE OF DEFAULT	Mar 02, 2010	
5	BOARD'S DECISION: SUSTAINED	Apr 16, 2010	
6	TERMINATED	Apr 16, 2010	

Type of Proceeding: Opposition

Proceeding Number: [91193087](#)

Filing Date: Dec 21, 2009

Status: Terminated

Status Date: Dec 01, 2010

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Radio Foods LLC

Correspondent Address: BASSAM N IBRAHIM
BUCHANAN INGERSOLL & ROONEY PC
1737 KING STREET, SUITE 500
ALEXANDRIA VA , 22314-1404
UNITED STATES

Correspondent e-mail: bassam.ibrahim@bipc.com , lloyd.smith@bipc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART GOODNESS	Abandoned - After Inter-Partes Decision	77620901	

Plaintiff(s)

Name: GFA Brands, Inc.

Correspondent Address: PATRICK M BERGIN
DAVIS & KUELTHAU SC
111 EAST KILBOURN AVENUE, SUITE 1400
MILWAUKEE WI , 53202
UNITED STATES

Correspondent e-mail: jheino@dkattorneys.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Section 8 and 15 - Accepted and Acknowledged	76252358	2952127
SMART BALANCE	Renewed	75127811	2276285
SMART BALANCE	Renewed	75977525	2200663
SMART BALANCE	Registered	77512724	3649833
SMART BALANCE OMEGA	Section 8 and 15 - Accepted and Acknowledged	78272133	2958216
SMART BALANCE	Abandoned - No Statement Of Use Filed	77200582	
SMART BALANCE	Registered	77566103	3747526

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 21, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 21, 2009	Jan 30, 2010
3	PENDING, INSTITUTED	Dec 21, 2009	
4	ANSWER	Jan 25, 2010	

5	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 30, 2010
6	EXTENSION OF TIME GRANTED	Apr 05, 2010
7	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 31, 2010
8	EXTENSION OF TIME GRANTED	Apr 12, 2010
9	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 30, 2010
10	EXTENSION OF TIME GRANTED	May 10, 2010
11	CHANGE OF CORRESPONDENCE ADDRESS	May 13, 2010
12	D'S CHANGE OF CORRESPONDENCE ADDRESS	May 13, 2010
13	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jun 29, 2010
14	EXTENSION OF TIME GRANTED	Jul 08, 2010
15	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 30, 2010
16	EXTENSION OF TIME GRANTED	Sep 11, 2010
17	STIPULATION FOR AN EXTENSION OF TIME	Oct 26, 2010
18	EXTENSION OF TIME GRANTED	Oct 26, 2010
19	WITHDRAWAL OF APPLICATION	Nov 23, 2010
20	BOARD'S DECISION: SUSTAINED	Dec 01, 2010
21	TERMINATED	Dec 01, 2010

Type of Proceeding: Opposition

Proceeding Number: [91185689](#)

Filing Date: Aug 06, 2008

Status: Terminated

Status Date: Dec 02, 2008

Interlocutory Attorney: ANGELA LYKOS

Defendant

Name: Healthy Delight Foods LLC

Correspondent Address: MARK J. NAHNSEN
BARNES & THORNBURG LLP
PO BOX 2786
CHICAGO IL , 60690-2786
UNITED STATES

Correspondent e-mail: mnahnsen@btlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART@HEART	Abandoned - After Inter-Partes Decision	77311803	

Plaintiff(s)

Name: GFA Brands, Inc.

Correspondent Address: John L. Ambrogio
HUSCH BLACKWELL SANDERS WELSH & KATZ
120 South Riverside Plaza 22nd Floor, Suite 2200
Chicago IL , 60606
UNITED STATES

Correspondent e-mail: jladoeket@welshkatz.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75127811	2276285

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 06, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 07, 2008	Sep 16, 2008
3	PENDING, INSTITUTED	Aug 07, 2008	
4	NOTICE OF DEFAULT	Oct 15, 2008	
5	BOARD'S DECISION: SUSTAINED	Dec 02, 2008	
6	TERMINATED	Dec 02, 2008	

Type of Proceeding: Opposition

Proceeding Number: [91185690](#)

Filing Date: Aug 06, 2008

Status: Terminated

Status Date: Dec 02, 2008

Interlocutory Attorney: ANGELA LYKOS

Defendant

Name: Healthy Delight Foods LLC

Correspondent Address: MARK J. NAHNSEN
BARNES & THORNBURG LLP
PO BOX 2786
CHICAGO IL , 60690-2786
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART@HEART	Abandoned - After Inter-Partes Decision	77311803	

Plaintiff(s)

Name: GFA Brands, Inc.

Correspondent Address: John L. Ambrogio
HUSCH BLACKWELL SANDERS WELSH & KATZ
120 South Riverside Plaza 22nd Floor, Suite 2200
Chicago IL , 60606
UNITED STATES

Correspondent e-mail: jladdock@welshkatz.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75127811	2276285

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 06, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 07, 2008	Sep 16, 2008
3	PENDING, INSTITUTED	Aug 07, 2008	
4	NOTICE OF DEFAULT	Oct 15, 2008	
5	BOARD'S DECISION: SUSTAINED	Dec 02, 2008	
6	TERMINATED	Dec 02, 2008	

Type of Proceeding: Opposition

Proceeding Number: [91164629](#)

Filing Date: Mar 22, 2005

Status: Terminated

Status Date: Mar 23, 2005

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: Sargento Foods, Inc.

Correspondent Address: DANIEL E. KATTMAN
C/O REINHART BOERER VAN DEUREN S.C.
1000 NORTH WATER STREET, SUITE 2100
MILWAUKEE WI , 53202
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
SARGENTO BETTER BALANCE	Abandoned - After Inter-Partes Decision	76585730	

Plaintiff(s)

Name: GFA BRANDS, INC.

Correspondent Address: JOHN L AMBROGIO
WELSH & KATZ, LTD.
120 SOUTH RIVERSIDE PLAZA, 22ND FLOOR
CHICAGO IL , 60606
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75127811	2276285

Prosecution History

Entry			
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Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 22, 2005	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 23, 2005	May 02, 2005
3	PENDING, INSTITUTED	Mar 23, 2005	
4	NOTICE OF DEFAULT	Jul 05, 2005	
5	BOARD'S DECISION: SUSTAINED	Sep 15, 2005	
6	TERMINATED	Dec 22, 2005	

Type of Proceeding: Extension of Time

Proceeding Number: [76585730](#)

Filing Date: Feb 22, 2005

Status: Terminated

Status Date: Apr 26, 2005

Interlocutory Attorney:

Defendant

Name: Sargento Foods, Inc.

Correspondent Address: DANIEL E. KATTMAN
C/O REINHART BOERER VAN DEUREN S.C.
1000 NORTH WATER STREET, SUITE 2100
MILWAUKEE WI , 53202
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
SARGENTO BETTER BALANCE	Abandoned - After Inter-Partes Decision	76585730	

Potential Opposer(s)

Name: GFA BRANDS, INC.

Correspondent Address: JOHN L AMBROGI
WELSH & KATZ, LTD.
120 SOUTH RIVERSIDE PLAZA, 22ND FLOOR
CHICAGO IL , 60606
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75127811	2276285

Name: GFA Brands, Inc

Correspondent Address: John L. Ambroggi
Welsh & Katz, Ltd.
120 South Riverside Plaza, Suite 2200
Chicago IL , 60606
UNITED STATES

Correspondent e-mail: Jambroggi@welshkatz.com

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Feb 22, 2005	
2	EXTENSION OF TIME GRANTED	Feb 22, 2005	

Type of Proceeding: Opposition

Proceeding Number: [91153369](#)

Filing Date: Sep 05, 2002

Status: Terminated

Status Date: Nov 19, 2002

Interlocutory Attorney: ALBERT J ZERVAS

Defendant

Name: CONAGRA BRANDS, INC.

Correspondent Address: PATRICK C. STEPHENSON
MCGRATH, NORTH, MULLIN & KRATZ, P.C.
1400 ONE CENTRAL PARK PLAZA OMAHA, NE 68102

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART NUGGETS	Abandoned - No Statement Of Use Filed	76111754	

Plaintiff(s)

Name: FITNESS FOODS, INC., AND GFA BRANDS.

Correspondent Address: DANIEL R. CHERRY
WELSH & KATZ, LTD.
120 SOUTH RIVERSIDE PLAZA, 22ND FLOOR CHICAGO, IL 60606

Associated marks			
Mark	Application Status	Serial Number	Registration Number

SMART BALANCE Renewed [75127811](#) [2276285](#)

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 05, 2002	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 07, 2002	Dec 17, 2002
3	PENDING, INSTITUTED	Nov 07, 2002	
4	OPPOSITION IS NULL AND VOID AND IT IS DI SMISSED	Nov 19, 2002	
5	TERMINATED	Nov 19, 2002	

Type of Proceeding: Extension of Time

Proceeding Number: [76111722](#) Filing Date: Aug 31, 2002

Status: Terminated Status Date: Aug 31, 2002

Interlocutory Attorney:

Defendant

Name: ConAgra Brands, Inc.

Correspondent Address: PATRICK C. STEPHENSON
MCGRATH, NORTH, MULLIN & KRATZ, P.C.
1400 ONE CENTRAL PARK PLAZA
OMAHA NE , 68102
UNITED STATES

Associated marks			
Mark	Application Status	Serial Number	Registration Number

SMART PUDDING Abandoned - After Inter-Partes Decision [76111722](#)

Potential Opposer(s)

Name: FITNESS FOODS, INC. AND GFA BRANDS, INC.

Correspondent Address: JOHN L. AMBROGI
WELSH & KATZ, LTD.
120 S. RIVERSIDE PLAZA, 22ND FLOOR
CHICAGO IL , 60606
UNITED STATES

Associated marks			
Mark	Application Status	Serial Number	Registration Number

SMART BALANCE Renewed [75127811](#) [2276285](#)

Prosecution History			
Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Jun 27, 2002	
2	DELETE ENTRY	Aug 31, 2002	
3	DELETE ENTRY	Aug 31, 2002	
4	EXTENSION OF TIME GRANTED	Aug 31, 2002	

Type of Proceeding: Opposition

Proceeding Number: [91152648](#) Filing Date: Aug 06, 2002

Status: Terminated Status Date: Jul 07, 2003

Interlocutory Attorney: ALBERT J ZERVAS

Defendant

Name: CONAGRA BRANDS, INC.

Correspondent Address: PATRICK C. STEPHENSON
MCGRATH, NORTH, MULLIN & KRATZ
222 South 15 St, 1400 ONE CENTRAL PARK PLZ
Omaha NE , 68102
UNITED STATES

Associated marks			
Mark	Application Status	Serial	Registration

		Number	Number	
SMART YOGURT		Abandoned - After Inter-Partes Decision	76111751	
Plaintiff(s)				
Name: FITNESS FOODS, INC., AND GFA BRANDS, INC				
Correspondent Address: JOHN L. AMBROGI WELSH & KATZ, LTD 120 S RIVERSIDE PLZ, 22ND FL Chicago IL , 60606 UNITED STATES				
Associated marks				
Mark		Application Status	Serial Number	Registration Number
SMART BALANCE		Renewed	75127811	2276285
Prosecution History				
Entry Number	History Text	Date	Due Date	
1	FILED AND FEE	Aug 06, 2002		
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 27, 2002	Oct 06, 2002	
3	PENDING, INSTITUTED	Aug 27, 2002		
4	ANSWER	Oct 03, 2002		
5	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Feb 27, 2003		
6	STIPULATION NOTED AND APPROVED	Mar 31, 2003		
7	EXP OF ABAND	May 01, 2003		
8	BOARD'S DECISION: SUSTAINED	Jul 07, 2003		
9	TERMINATED	Jul 07, 2003		
Type of Proceeding: Opposition				
Proceeding Number: 91152649		Filing Date: Aug 06, 2002		
Status: Terminated		Status Date: Jun 03, 2003		
Interlocutory Attorney:				
Defendant				
Name: CONAGRA BRANDS, INC.				
Correspondent Address: PATRICK C. STEPHENSON MCGRATH, NORTH, MULLIN & KRATZ 1601 Dodge St, Ste 3700, First Natl Twr Omaha NE , 68102 UNITED STATES				
Associated marks				
Mark		Application Status	Serial Number	Registration Number
SMART LUNCH		Abandoned - No Statement Of Use Filed	76111750	
Plaintiff(s)				
Name: FITNESS FOODS, INC., AND GFA BRANDS, INC				
Correspondent Address: JOHN L. AMBROGI WELSH & KATZ, LTD 120 S RIVERSIDE PLZ, 22ND FL Chicago IL , 60606 UNITED STATES				
Associated marks				
Mark		Application Status	Serial Number	Registration Number
SMART BALANCE		Renewed	75127811	2276285
Prosecution History				
Entry Number	History Text	Date	Due Date	
1	FILED AND FEE	Aug 06, 2002		
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 27, 2002	Oct 06, 2002	
3	PENDING, INSTITUTED	Aug 27, 2002		
4	ANSWER	Oct 03, 2002		
5	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Feb 27, 2003		

6	STIPULATION NOTED AND APPROVED	Mar 20, 2003
7	STIPULATION	Apr 24, 2003
8	BD'S DECISION: DISMISSED W/ PREJUDICE	Jun 03, 2003
9	TERMINATED	Jun 03, 2003

Type of Proceeding: Opposition

Proceeding Number: [91152706](#)

Filing Date: Aug 06, 2002

Status: Terminated

Status Date: May 29, 2003

Interlocutory Attorney: CINDY B GREENBAUM

Defendant

Name: CONAGRA BRANDS, INC.

Correspondent Address: PATRICK C. STEPHENSON
MCGRATH, NORTH, MULLIN & KRATZ, P.C.
1400 ONE CENTRAL PARK PLAZA OMAHA, NE 68102

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART PUDDING	Abandoned - After Inter-Partes Decision	76111722	

Plaintiff(s)

Name: FITNESS FOODS, INC. AND GFA BRANDS, INC.

Correspondent Address: JOHN L. AMBROGI
WELSH & KATZ, LTD.
120 SOUTH RIVERSIDE PLAZA, 22ND FLOOR CHICAGO, IL 60606

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75127811	2276285

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 06, 2002	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 31, 2002	Oct 10, 2002
3	PENDING, INSTITUTED	Aug 31, 2002	
4	ANSWER	Oct 03, 2002	
5	P'S REQ. TO RESET TRIAL DATES W/CON	Feb 27, 2003	
6	GRANTED P'S #5	Apr 04, 2003	
7	ABANDONMENT OF SN 76111722	Apr 28, 2003	
8	BOARD'S DECISION: SUSTAINED	May 29, 2003	
9	TERMINATED	May 29, 2003	

Type of Proceeding: Extension of Time

Proceeding Number: [76111751](#)

Filing Date: Jul 24, 2002

Status: Terminated

Status Date: Jul 24, 2002

Interlocutory Attorney:

Defendant

Name: ConAgra Brands, Inc.

Correspondent Address: PATRICK C. STEPHENSON
MCGRATH, NORTH, MULLIN & KRATZ, P.C.
1400 ONE CENTRAL PARK PLAZA
OMAHA NE , 68102
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART YOGURT	Abandoned - After Inter-Partes Decision	76111751	

Potential Opposer(s)

Name: FITNESS FOODS, INC.

Correspondent Address: JOHN L. AMBROGI
WELSH & KATZ, LTD.
120 S. RIVERSIDE PLAZA, 22ND FLOOR
CHICAGO IL , 60606

UNITED STATES

Name: FITNESS FOODS, INC., AND GFA BRANDS, INC.,

Correspondent Address: JOHN L. AMBROGI, ESQ
WELSH & KATZ, LTD.
120 SOUTH RIVERSIDE PLAZA, 22ND FLOOR
CHICAGO IL , 60606
UNITED STATES

Associated marks			
Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75127811	2276285
Prosecution History			
Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Jun 13, 2002	
2	EXTENSION OF TIME GRANTED	Jul 24, 2002	
3	INCOMING - EXT TIME TO OPPOSE FILED	Jul 11, 2002	
4	EXTENSION OF TIME GRANTED	Jul 24, 2002	

Type of Proceeding: Extension of Time

Proceeding Number: [76111750](#)

Filing Date: Jul 16, 2002

Status: Terminated

Status Date: Jul 16, 2002

Interlocutory Attorney:

Defendant	
Name: ConAgra Brands, Inc.	
Correspondent Address: PATRICK C. STEPHENSON MCGRATH, NORTH, MULLIN & KRATZ, P.C. 1400 ONE CENTRAL PARK PLAZA OMAHA NE , 68102 UNITED STATES	

Associated marks			
Mark	Application Status	Serial Number	Registration Number
SMART LUNCH	Abandoned - No Statement Of Use Filed	76111750	

Potential Opposer(s)

Name: Fitness Foods, Inc. and GFA Brands, Inc.

Correspondent Address: John L. Ambrogi
Weslh & Katz, Ltd.
120 S. Riverside Plaza, 22nd Floor
Chicago IL , 60606
UNITED STATES

Name: FITNESS FOODS, INC., AND GFA BRANDS, INC.

Correspondent Address: JOHN L. AMBROGI, ESQ.
WELSH & KATZ, LTD.
120 SOUTH RIVERSIDE PLAZA, 22ND FLOOR
CHICAGO IL , 60606
UNITED STATES

Associated marks			
Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75127811	2276285
Prosecution History			
Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Jun 27, 2002	
2	EXTENSION OF TIME GRANTED	Jul 16, 2002	

Type of Proceeding: Extension of Time

Proceeding Number: [76111754](#)

Filing Date: Jul 16, 2002

Status: Terminated

Status Date: Jul 16, 2002

Interlocutory Attorney:

Defendant	
Name: ConAgra Brands, Inc.	
Correspondent Address: PATRICK C. STEPHENSON MCGRATH, NORTH, MULLIN & KRATZ, P.C. 1400 ONE CENTRAL PARK PLAZA	

OMAHA NE , 68102
UNITED STATES

Associated marks			
Mark	Application Status	Serial Number	Registration Number

SMART NUGGETS Abandoned - No Statement Of Use Filed [76111754](#)

Potential Opposer(s)

Name: Fitness Foods, Inc. and GFA Brand, Inc.

Correspondent Address: John L. Ambrogi
Welsh & Katz, Ltd.
120 S. Riverside Plaza, 22nd Floor
Chicago IL , 60606
UNITED STATES

Associated marks			
Mark	Application Status	Serial Number	Registration Number

Name: FITNESS FOODS, INC., AND GFA BRANDS.

Correspondent Address: DANIEL R. CHERRY
WELSH & KATZ, LTD.
120 SOUTH RIVERSIDE PLAZA, 22ND FLOOR
CHICAGO IL , 60606
UNITED STATES

Associated marks			
Mark	Application Status	Serial Number	Registration Number

SMART BALANCE Renewed [75127811](#) [2276285](#)

Prosecution History			
Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Jun 13, 2002	
2	NO GOOD CAUSE/TIME CUT	Jul 16, 2002	
3	INCOMING - EXT TIME TO OPPOSE FILED	Jul 11, 2002	
4	EXTENSION OF TIME GRANTED	Sep 02, 2002	

Type of Proceeding: Opposition

Proceeding Number: [91123458](#)

Filing Date: Jun 28, 2001

Status: Terminated

Status Date: Oct 20, 2003

Interlocutory Attorney: ALBERT J ZERVAS

Defendant

Name: JOSEPH MICHAEL O'NEIL

Correspondent Address: TIMOTHY A. LONG
CHERNOFF VILHAUER MCCLUNG & STENZEL
601 SW 2ND AVENUE SUITE 1600
PORTLAND OR , 97204-3157
UNITED STATES

Associated marks			
Mark	Application Status	Serial Number	Registration Number

SMART JUICE Abandoned - After Inter-Partes Decision [75726461](#)

Plaintiff(s)

Name: FITNESS FOODS, INC. AND GFA BRANDS, INC.

Correspondent Address: JOHN L. AMBROGI
WELSH & KATZ, LTD.
120 SOUTH RIVERSIDE PLAZA 22ND FLOOR
CHICAGO IL , 60606
UNITED STATES

Associated marks			
Mark	Application Status	Serial Number	Registration Number

SMART BALANCE Renewed [75127811](#) [2276285](#)

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 28, 2001	

2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 13, 2001 Aug 22, 2001
3	PENDING, INSTITUTED	Jul 13, 2001
4	NOTICE OF DEFAULT	Apr 04, 2002
5	BOARD'S DECISION: SUSTAINED	Jul 26, 2002
6	TERMINATED	Jul 26, 2002
7	DELETE ENTRY	Oct 20, 2003
8	TERMINATED	Oct 20, 2003

Type of Proceeding: Opposition

Proceeding Number: [91118573](#)

Filing Date: Apr 27, 2000

Status: Terminated

Status Date: Sep 11, 2001

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: NEW BALANCE ATHLETIC SHOE, INC.

Correspondent Address: JEREMIAH LYNCH
LAHIVE & COCKFIELD LLP
28 STATE STREET
BOSTON MA , 02109
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
NEW BALANCE	Abandoned - No Statement Of Use Filed	75294371	

Plaintiff(s)

Name: GFA BRANDS, INC.

Correspondent Address: JOHN L. AMBROGI, ESQ.
WELSH & KATZ, LTD.
120 SOUTH RIVERSIDE PLAZA 22ND FLOOR
CHICAGO IL , 60606
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75127811	2276285

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 27, 2000	
2	NOTICE SENT; TRIAL DATES RESET; ANSWER DUE	Jun 08, 2000	Jul 18, 2000
3	PENDING, INSTITUTED	Jun 08, 2000	
4	MOTION TO AMEND	Jul 13, 2000	
5	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 18, 1990	
6	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 17, 2000	
7	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Sep 15, 2000	
8	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Dec 14, 2000	
9	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jan 12, 2001	
10	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Feb 08, 2001	
11	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 14, 2001	
12	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 13, 2001	
13	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	May 11, 2001	
14	RESPONSE DUE 7/8/01	Jun 08, 2001	
15	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jun 15, 2001	
16	WITHDRAWAL OF OPPOSITION	Jun 15, 2001	
17	BD'S DECISION: DISMISSED W/O PREJUDICE	Sep 11, 2001	
18	TERMINATED	Sep 11, 2001	

Type of Proceeding: Opposition

Proceeding Number: [91118815](#)

Filing Date: Mar 02, 2000

Status: Terminated

Status Date: May 02, 2001

Interlocutory Attorney: LINDA M SKORO

Defendant

Name: PROCTER & GAMBLE CORPORATION

Correspondent Address: MARCOO KERSCHEN
THE PROCTER & GAMBLE COMPANY
ONE PROCTER & GAMBLE PLAZA
CINCINNATI OH , 45202
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
COOKSMART	Abandoned - After Inter-Partes Decision	75745038	

Plaintiff(s)

Name: FITNESS FOODS, INC. AND GFA BRANDS, INC.

Correspondent Address: JOHN L. AMBROGI, ESQ.
WELSH & KATZ, LTD.
120 SOUTH RIVERSIDE PLAZA 22ND FLOOR
CHICAGO IL , 60606
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75127811	2276285

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 02, 2000	
2	NOTICE SENT; TRIAL DATES RESET; ANSWER DUE	Jun 16, 2000	Jul 26, 2000
3	PENDING, INSTITUTED	Jun 16, 2000	
4	WITHDRAWAL OF APPLICATION	Oct 16, 2000	
5	BD'S DECISION: DISMISSED W/O PREJUDICE	May 02, 2001	
6	TERMINATED	May 02, 2001	

EXHIBIT A-4

Generated on: This page was generated by TSDR on 2014-09-30 19:20:20 EDT

Mark: SMART BALANCE

US Serial Number: 76252358

Application Filing Date: May 04, 2001

US Registration Number: 2952127

Registration Date: May 17, 2005

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Jul. 13, 2010

Publication Date: Oct. 26, 2004

Notice of Allowance Date: Jan. 18, 2005

Mark Information

Mark Literal Elements: SMART BALANCE

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

International Registration Number: 1176826

International Application(s) /Registration(s) Based on this Property: A0037907/1176826

Claimed Ownership of US Registrations: 2200663, 2276285

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Popped and Processed Popcorn

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 2002

Use in Commerce: Sep. 2002

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: GFA BRANDS, INC.

Owner Address: 115 West Century Road
Suite 260
Paramus, NEW JERSEY 07652
UNITED STATES

Legal Entity Type: CORPORATION

**State or Country Where
Organized:** DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Larry H. Tronco

**Attorney Primary Email
Address:** docket@hollandhart.com

**Attorney Email
Authorized:** Yes

Correspondent

**Correspondent
Name/Address:** Larry H. Tronco
Holland & Hart LLP
P.O. Box 8749
Attn: Trademark Docketing
Denver, COLORADO 80201
UNITED STATES

Phone: (303) 473-2873

Fax: (303) 473-2720

Correspondent e-mail: docket@hollandhart.com

**Correspondent e-mail
Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 21, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
May 21, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Nov. 15, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Nov. 15, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 17, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 15, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 15, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 13, 2010	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67723
Jul. 13, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67723
Jun. 24, 2010	TEAS SECTION 8 & 15 RECEIVED	
Nov. 18, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Nov. 11, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Nov. 07, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 06, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 06, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 06, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 23, 2007	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
May 17, 2005	REGISTERED-PRINCIPAL REGISTER	
Mar. 17, 2005	LAW OFFICE REGISTRATION REVIEW COMPLETED	78288
Feb. 25, 2005	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 24, 2005	STATEMENT OF USE PROCESSING COMPLETE	76874
Feb. 24, 2005	EXTENSION 1 GRANTED	76874
Feb. 09, 2005	USE AMENDMENT FILED	76874
Feb. 09, 2005	EXTENSION 1 FILED	76874
Feb. 09, 2005	TEAS STATEMENT OF USE RECEIVED	
Feb. 09, 2005	TEAS EXTENSION RECEIVED	
Jan. 18, 2005	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 26, 2004	PUBLISHED FOR OPPOSITION	
Oct. 06, 2004	NOTICE OF PUBLICATION	

Aug. 27, 2004	ASSIGNED TO LIE	78288
Aug. 20, 2004	LAW OFFICE PUBLICATION REVIEW COMPLETED	66230
Aug. 18, 2004	ASSIGNED TO LIE	66230
Aug. 12, 2004	UNRESPONSIVE/DUPLICATE PAPER RECEIVED	
Aug. 12, 2004	PAPER RECEIVED	
Aug. 11, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 22, 2004	CASE FILE IN TICRS	
Feb. 27, 2003	ASSIGNED TO EXAMINER	68625
Mar. 26, 2002	LETTER OF SUSPENSION MAILED	
Jan. 08, 2002	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jul. 25, 2001	NON-FINAL ACTION MAILED	
Jul. 10, 2001	ASSIGNED TO EXAMINER	78447

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 108

Date in Location: Jul. 13, 2010

Assignment Abstract Of Title Information

Summary

Total Assignments: 12

Registrant: GFA Brands, Inc.

Assignment 1 of 12

Conveyance: SECURITY AGREEMENT

Reel/Frame: [2952/0167](#)

Pages: 35

Date Recorded: Apr. 08, 2004

Supporting Documents: [assignment-tm-2952-0167.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Mar. 31, 2004

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [UNION BANK OF CALIFORNIA, N.A., AS ADMINISTRATIVE AGENT FOR THE LENDERS](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Address: 445 SOUTH FIGUEROA STREET, 13TH STREET
ATTN: GARY KIRSHNER
LOS ANGELES, CALIFORNIA 90071

Correspondent

Correspondent Name: PILLSBURY WINTHROP LLP

Correspondent Address: REX D. FRAZIER, ESQ.
725 SOUTH FIGUEROA STREET, SUITE 2800
LOS ANGELES, CALIFORNIA 90017-5406

Domestic Representative - Not Found

Assignment 2 of 12

Conveyance: CHANGE OF ADDRESS

Reel/Frame: [2941/0281](#)

Pages: 2

Date Recorded: Sep. 21, 2004

Supporting Documents: [assignment-tm-2941-0281.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Aug. 10, 2004

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 211 KNICKERBOCKER ROAD
CRESKILL, NEW JERSEY 07626

Correspondent

Correspondent Name: ROPES & GRAY, LLP

Correspondent Address: JACOB E. COMER, ESQ.
ONE INTERNATIONAL PLACE
BOSTON, MA 02110

Domestic Representative - Not Found

Assignment 3 of 12

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [3544/0352](#)

Pages: 5

Date Recorded: May 15, 2007

Supporting Documents: [assignment-tm-3544-0352.pdf](#)

Assignor

Name: [UNION BANK OF CALIFORNIA N.A.](#)

Execution Date: May 14, 2007

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where
Organized: No Place Where Organized Found

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: P.O. BOX 397 211 KNICKERBOCKER ROAD
CRESKILL, NEW JERSEY 07626

Correspondent

Correspondent Name: PATRICK M. BERGIN

Correspondent Address: 111 EAST KILBOURN AVENUE
SUITE 1400
MILWAUKEE, WI 53202

Domestic Representative - Not Found

Assignment 4 of 12

Conveyance: FIRST LIEN INTELLECTUAL PROPERTY SECURITY AGREEMENT

Reel/Frame: [3652/0879](#)

Pages: 12

Date Recorded: Nov. 01, 2007

Supporting Documents: [assignment-tm-3652-0879.pdf](#)

Assignor

Name: [BSB ACQUISITION CO., INC.](#)

Execution Date: May 21, 2007

Legal Entity Type: CORPORATION

State or Country Where
Organized: No Place Where Organized Found

Name: [BOULDER SPECIALTY BRANDS, INC.](#)

Execution Date: May 21, 2007

Legal Entity Type: CORPORATION

State or Country Where
Organized: No Place Where Organized Found

Assignee

Name: [BANK OF AMERICA, N.A.](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where
Organized: No Place Where Organized Found

Address: 1455 MARKET ST.
5TH FLOOR
SAN FRANCISCO, CALIFORNIA 94103

Correspondent

Correspondent Name: SUSAN REISS

Correspondent Address: 599 LEXINGTON AVENUE
SHEARMAN & STERLING LLP
NEW YORK, NY 10022

Domestic Representative - Not Found

Assignment 5 of 12

Conveyance: SECOND LIEN INTELLECTUAL PROPERTY SECURITY AGREEMENT

Reel/Frame: [3652/0891](#)

Pages: 12

Date Recorded: Nov. 01, 2007

Supporting Documents: [assignment-tm-3652-0891.pdf](#)

Assignor

Name: [BSB ACQUISITION CO., INC.](#)

Execution Date: May 21, 2007

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Name: [BOULDER SPECIALTY BRANDS, INC.](#)

Execution Date: May 21, 2007

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [BANK OF AMERICA, N.A.](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Address: 1455 MARKET ST.
5TH FLOOR
SAN FRANCISCO, CALIFORNIA 94103

Correspondent

Correspondent Name: SUSAN REISS

Correspondent Address: 599 LEXINGTON AVENUE
SHEARMAN & STERLING LLP
NEW YORK, NY 10022

Domestic Representative - Not Found

Assignment 6 of 12

Conveyance: RELEASE OF FIRST LIEN INTELLECTUAL PROPERTY SECURITY AGREEMENT

Reel/Frame: [4090/0972](#)

Pages: 11

Date Recorded: Nov. 04, 2009

Supporting Documents: [assignment-tm-4090-0972.pdf](#)

Assignor

Name: [BANK OF AMERICA, N.A.](#)

Execution Date: Nov. 04, 2009

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [BSB ACQUISITION CO., INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 115 W. CENTURY RD.
SUITE 260
PARAMUS, NEW JERSEY 07652

Name: [BOULDER SPECIALTY BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 115 WEST CENTURY RD.
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: PATRICK M. BERGIN

Correspondent Address: 111 E. KILBOURN AVE.
SUITE 1400
MILWAUKEE, WI 53202

Domestic Representative - Not Found

Assignment 7 of 12

Conveyance: RELEASE OF SECOND LIEN SECURITY INTEREST

Reel/Frame: [4090/0983](#)

Pages: 11

Date Recorded: Nov. 04, 2009

Supporting Documents: [assignment-tm-4090-0983.pdf](#)

Assignor

Name: [BANK OF AMERICA, N.A.](#)

Execution Date: Nov. 04, 2009

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Assignee		
Name:	BSB ACQUISITION CO., INC.	
Legal Entity Type:	CORPORATION	State or Country Where Organized: DELAWARE
Address:	115 W. CENTURY RD. SUITE 260 PARAMUS, NEW JERSEY 07652	
Name:	BOULDER SPECIALTY BRANDS, INC.	
Legal Entity Type:	CORPORATION	State or Country Where Organized: DELAWARE
Address:	115 W. CENTURY RD. SUITE 260 PARAMUS, NEW JERSEY 07652	
Correspondent		
Correspondent Name:	PATRICK M. BERGIN	
Correspondent Address:	111 E. KILBOURN AVE. SUITE 1400 MILWAUKEE, WI 53202	
Domestic Representative - Not Found		
Assignment 8 of 12		
Conveyance:	SECURITY INTEREST	
Reel/Frame:	4091/0319	Pages: 10
Date Recorded:	Nov. 05, 2009	
Supporting Documents:	assignment-tm-4091-0319.pdf	
Assignor		
Name:	GFA BRANDS, INC.	Execution Date: Nov. 04, 2009
Legal Entity Type:	CORPORATION	State or Country Where Organized: DELAWARE
Assignee		
Name:	BANK OF MONTREAL, AS AGENT	
Legal Entity Type:	CHARTERED BANK	State or Country Where Organized: CANADA
Address:	115 SOUTH LASALLE STREET CHICAGO, ILLINOIS 60603	
Correspondent		
Correspondent Name:	RICHARD KALWA	
Correspondent Address:	111 WEST MONROE STREET CHAPMAN AND CUTLER LLP CHICAGO, IL 60603	
Domestic Representative - Not Found		
Assignment 9 of 12		
Conveyance:	RELEASE BY SECURED PARTY	
Reel/Frame:	4812/0734	Pages: 7
Date Recorded:	Jul. 02, 2012	
Supporting Documents:	assignment-tm-4812-0734.pdf	
Assignor		
Name:	BANK OF MONTREAL	Execution Date: Jul. 02, 2012
Legal Entity Type:	CANADIAN CHARTERED BANK	State or Country Where Organized: CANADA
Assignee		
Name:	GFA BRANDS, INC.	
Legal Entity Type:	CORPORATION	State or Country Where Organized: DELAWARE
Address:	115 WEST CENTURY ROAD SUITE 260 PARAMUS, NEW JERSEY 07652	
Correspondent		
Correspondent Name:	JASON L. GREENBERG	
Correspondent Address:	ONE NEW YORK PLAZA FRIED FRANK LLP NEW YORK, NY 10004-1980	
Domestic Representative - Not Found		

Assignment 10 of 12

Conveyance: SECURITY INTEREST

Reel/Frame: [4813/0493](#)

Pages: 9

Date Recorded: Jul. 02, 2012

Supporting Documents: [assignment-tm-4813-0493.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Jul. 02, 2012

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)

Legal Entity Type: CHARTERED BANK

State or Country Where
Organized: CANADA

Address: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA

Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found

Assignment 11 of 12

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [5065/0914](#)

Pages: 8

Date Recorded: Jul. 09, 2013

Supporting Documents: [assignment-tm-5065-0914.pdf](#)

Assignor

Name: [BANK OF MONTREAL, AS ADMINISTRATIVE AGENT](#)

Execution Date: Jul. 09, 2013

Legal Entity Type: CANADIAN CHARTERED BANK

State or Country Where
Organized: CANADA

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: HENRY LEBOWITZ

Correspondent Address: ONE NEW YORK PLAZA
FRIED FRANK LLP
NEW YORK, NY 10004

Domestic Representative - Not Found

Assignment 12 of 12

Conveyance: TRADEMARK COLLATERAL AGREEMENT

Reel/Frame: [5068/0393](#)

Pages: 9

Date Recorded: Jul. 11, 2013

Supporting Documents: [assignment-tm-5068-0393.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Jul. 09, 2013

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: [CITIBANK, N.A., AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where
Organized: UNITED STATES

Address: 390 GREENWICH STREET
NEW YORK, NEW YORK 10013

Correspondent

Correspondent Name: LATHAM & WATKINS LLP

Correspondent Address: 650 TOWN CENTER DRIVE, SUITE 2000
COSTA MESA, CA 92626

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 5

Type of Proceeding: Opposition

Proceeding Number: [91193265](#)

Filing Date: Dec 31, 2009

Status: Terminated

Status Date: Apr 16, 2010

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Isaren AB; c/o Brejans

Correspondent Address: MARK LEBOW
YOUNG & THOMPSON
209 MADISON STREET, SUITE 500
ALEXANDRIA VA , 22314
UNITED STATES

Correspondent e-mail: trademarks@young-thompson.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE GOLF	Abandoned - After Inter-Partes Decision	79065432	

Plaintiff(s)

Name: GFA Brands, Inc.

Correspondent Address: PATRICK M. BERGIN
DAVIS & KUELTHAU, S.C.
111 E. KILBOURN AVE., SUITE 1400
MILWAUKEE WI , 53202
UNITED STATES

Correspondent e-mail: pbergin@dkattorneys.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75977525	2200663
SMART BALANCE	Renewed	75127811	2276285
SMART BALANCE	Section 8 and 15 - Accepted and Acknowledged	76252358	2952127
SMART BALANCE	Registered	77512724	3649833
SMART BALANCE OMEGA	Section 8 and 15 - Accepted and Acknowledged	78272133	2958216
SMART BALANCE	Abandoned - No Statement Of Use Filed	77200582	
SMART BALANCE	Registered	77566103	3747526

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 31, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 05, 2010	Feb 14, 2010
3	PENDING, INSTITUTED	Jan 05, 2010	
4	NOTICE OF DEFAULT	Mar 02, 2010	
5	BOARD'S DECISION: SUSTAINED	Apr 16, 2010	
6	TERMINATED	Apr 16, 2010	

Type of Proceeding: Opposition

Proceeding Number: [91193087](#)

Filing Date: Dec 21, 2009

Status: Terminated

Status Date: Dec 01, 2010

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Radlo Foods LLC

Correspondent Address: BASSAM N IBRAHIM
BUCHANAN INGERSOLL & ROONEY PC
1737 KING STREET, SUITE 500
ALEXANDRIA VA , 22314-1404
UNITED STATES

Correspondent e-mail: bassam.ibrahim@bipc.com , lloyd.smith@bipc.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
SMART GOODNESS	Abandoned - After Inter-Partes Decision	77620901	
Plaintiff(s)			

Name: GFA Brands, Inc.

Correspondent Address: PATRICK M BERGIN
DAVIS & KUELTHAU SC
111 EAST KILBOURN AVENUE, SUITE 1400
MILWAUKEE WI , 53202
UNITED STATES

Correspondent e-mail: jheino@dkattorneys.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Section 8 and 15 - Accepted and Acknowledged	76252358	2952127
SMART BALANCE	Renewed	75127811	2276285
SMART BALANCE	Renewed	75977525	2200663
SMART BALANCE	Registered	77512724	3649833
SMART BALANCE OMEGA	Section 8 and 15 - Accepted and Acknowledged	78272133	2958216
SMART BALANCE	Abandoned - No Statement Of Use Filed	77200582	
SMART BALANCE	Registered	77566103	3747526

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 21, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 21, 2009	Jan 30, 2010
3	PENDING, INSTITUTED	Dec 21, 2009	
4	ANSWER	Jan 25, 2010	
5	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 30, 2010	
6	EXTENSION OF TIME GRANTED	Apr 05, 2010	
7	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 31, 2010	
8	EXTENSION OF TIME GRANTED	Apr 12, 2010	
9	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 30, 2010	
10	EXTENSION OF TIME GRANTED	May 10, 2010	
11	CHANGE OF CORRESPONDENCE ADDRESS	May 13, 2010	
12	D'S CHANGE OF CORRESPONDENCE ADDRESS	May 13, 2010	
13	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jun 29, 2010	
14	EXTENSION OF TIME GRANTED	Jul 08, 2010	
15	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 30, 2010	
16	EXTENSION OF TIME GRANTED	Sep 11, 2010	
17	STIPULATION FOR AN EXTENSION OF TIME	Oct 26, 2010	
18	EXTENSION OF TIME GRANTED	Oct 26, 2010	
19	WITHDRAWAL OF APPLICATION	Nov 23, 2010	
20	BOARD'S DECISION: SUSTAINED	Dec 01, 2010	
21	TERMINATED	Dec 01, 2010	

Type of Proceeding: Opposition

Proceeding Number: [91183204](#)

Filing Date: Mar 26, 2008

Status: Terminated

Status Date: Sep 21, 2008

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Conagra Foods RDM, Inc.

Correspondent Address: CHRISTOPHER M. BIKUS
MCGRATH, NORTH, MULLIN & KRATZ, PC LLO
FIRST NATIONAL TOWER, 1601 DODGE STREET, SUITE 3700
OMAHA NE , 68102
UNITED STATES

Correspondent e-mail: cbikus@mcgrathnorth.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMARTCAKES!	Registered	77096048	3651641

Plaintiff(s)

Name: GFA Brands, Inc.

Correspondent Address: John L. Ambrogi
Welsh & Katz, Ltd.
120 S. Riverside Plaza, 22nd Floor
Chicago IL , 60606
UNITED STATES

Correspondent e-mail: jladocket@welshkatz.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Section 8 and 15 - Accepted and Acknowledged	76252358	2952127

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 26, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 26, 2008	May 05, 2008
3	PENDING, INSTITUTED	Mar 26, 2008	
4	ANSWER	May 05, 2008	
5	MOTION TO AMEND APPLICATION	Jul 10, 2008	
6	AMDT APPROVED; PL'S RESPONSE DUE 9/12/08	Aug 13, 2008	
7	WITHDRAWAL OF OPPOSITION	Sep 10, 2008	
8	P'S CERTIFICATE OF SERVICE FOR WITHDRAWAL OF OPPOSITION	Sep 11, 2008	
9	BD'S DECISION: DISMISSED W/ PREJUDICE	Sep 21, 2008	
10	TERMINATED	Sep 21, 2008	

Type of Proceeding: Opposition

Proceeding Number: [91166719](#)

Filing Date: Sep 23, 2005

Status: Terminated

Status Date: Mar 07, 2006

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: ConAgra Brands, Inc.

Correspondent Address: PATRICK C. STEPHENSON
MCGRATH NORTH MULLIN & KRATZ, PC LLO
SUITE 3700 FIRST NATIONAL TOWER 1601 DODGE STREET
OMAHA NE , 68102
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART CHILI	Section 8 and 15 - Accepted and Acknowledged	76595938	3187765

Plaintiff(s)

Name: GFA Brands, Inc.

Correspondent Address: JOHN L. AMBROGI,

WELSH & KATZ, LTD.,
120 S RIVERSIDE PLZ FL 22
CHICAGO IL , 60606-3913
UNITED STATES

Associated marks			
Mark	Application Status	Serial Number	Registration Number

SMART BALANCE	Section 8 and 15 - Accepted and Acknowledged	76252358	2952127
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Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 23, 2005	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 29, 2005	Nov 08, 2005
3	PENDING, INSTITUTED	Sep 29, 2005	
4	ANSWER	Nov 04, 2005	
5	WITHDRAWAL OF OPPOSITION	Feb 09, 2006	
6	BD'S DECISION: DISMISSED W/ PREJUDICE	Mar 07, 2006	
7	TERMINATED	Mar 07, 2006	

Type of Proceeding: Extension of Time

Proceeding Number: [76595938](#) Filing Date: May 19, 2005

Status: Terminated Status Date: Oct 15, 2005

Interlocutory Attorney:

Defendant

Name: ConAgra Brands, Inc.

Correspondent Address: PATRICK C. STEPHENSON
MCGRATH NORTH MULLIN & KRATZ, PC LLO
SUITE 3700 FIRST NATIONAL TOWER 1601 DODGE STREET
OMAHA NE , 68102
UNITED STATES

Associated marks			
Mark	Application Status	Serial Number	Registration Number

SMART CHILI	Section 8 and 15 - Accepted and Acknowledged	76595938	3187765
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Potential Opposer(s)

Name: ProMark Brands Inc.

Correspondent Address: Gianfranco G. Mittrione/ Bert A. Collison (Of Counsel)
Lathrop & Gage L.C.
230 Park Avenue, Suite 1847
New York NY , 10169
UNITED STATES

Correspondent e-mail: gmittrione@lathropgage.com

Name: GFA Brands, Inc.

Correspondent Address: John L. Ambrogi
Welsh & Katz, Ltd.
120 S. Riverside Plaza22nd Floor
Chicago IL , 60606
UNITED STATES

Correspondent e-mail: jladocket@welshkatz.com

Name: GFA Brands, Inc.

Correspondent Address: JOHN L. AMBROGI,
WELSH & KATZ, LTD.,
120 S RIVERSIDE PLZ FL 22
CHICAGO IL , 60606-3913
UNITED STATES

Associated marks			
Mark	Application Status	Serial Number	Registration Number

SMART BALANCE	Section 8 and 15 - Accepted and Acknowledged	76252358	2952127
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Prosecution History			
Entry	History Text	Date	Due Date

Number			
1	INCOMING - EXT TIME TO OPPOSE FILED	May 19, 2005	
2	EXTENSION OF TIME GRANTED	May 19, 2005	
3	INCOMING - EXT TIME TO OPPOSE FILED	Jun 08, 2005	
4	EXTENSION OF TIME GRANTED	Jun 08, 2005	

EXHIBIT A-5

Generated on: This page was generated by TSDR on 2014-09-30 19:27:38 EDT

Mark: SMART BALANCE OMEGA

US Serial Number: 78272133

Application Filing Date: Jul. 09, 2003

US Registration Number: 2958216

Registration Date: May 31, 2005

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Mar. 27, 2011

Publication Date: Jun. 08, 2004

Notice of Allowance Date: Aug. 31, 2004

Mark Information

Mark Literal Elements: SMART BALANCE OMEGA

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Disclaimer: omega

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: [Butter substitutes, cheese, lowfat and nonfat cheese substitutes, margarine, lowfat and nonfat margarine substitutes, shortening, lowfat and nonfat shortening, snack food dips and] vegetable oils

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 2003

Use in Commerce: Aug. 2003

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: GFA BRANDS, INC.

Owner Address: 115 West Century Road, Suite 260
Paramus, NEW JERSEY 07652
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Larry H. Tronco

Attorney Primary Email docket@hollandhart.com
Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Name/Address: Larry H. Tronco
Holland & Hart LLP
P.O. Box 8749
Attn: Trademark Docketing
Denver, COLORADO 80201
UNITED STATES

Phone: (303) 473-2873

Fax: (303) 473-2720

Correspondent e-mail: docket@hollandhart.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 21, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
May 21, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jul. 17, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 15, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 15, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Mar. 27, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	74886
Mar. 24, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	74886
Mar. 21, 2011	TEAS SECTION 8 & 15 RECEIVED	
Nov. 18, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Nov. 11, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Nov. 07, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 06, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 06, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 06, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 23, 2007	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
May 31, 2005	REGISTERED-PRINCIPAL REGISTER	
Mar. 05, 2005	LAW OFFICE REGISTRATION REVIEW COMPLETED	73793
Mar. 04, 2005	ASSIGNED TO LIE	73793
Feb. 26, 2005	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 24, 2005	STATEMENT OF USE PROCESSING COMPLETE	76874
Feb. 24, 2005	EXTENSION 1 GRANTED	76874
Feb. 09, 2005	USE AMENDMENT FILED	76874
Feb. 09, 2005	EXTENSION 1 FILED	76874
Feb. 09, 2005	TEAS STATEMENT OF USE RECEIVED	
Feb. 09, 2005	TEAS EXTENSION RECEIVED	
Aug. 31, 2004	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Aug. 12, 2004	PAPER RECEIVED	
Jun. 08, 2004	PUBLISHED FOR OPPOSITION	
May 19, 2004	NOTICE OF PUBLICATION	
Apr. 02, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 15, 2004	EXAMINER'S AMENDMENT MAILED	
Dec. 10, 2003	ASSIGNED TO EXAMINER	67971

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 101

Date in Location: Mar. 27, 2011

Assignment Abstract Of Title Information

Summary

Total Assignments: 13

Registrant: GFA BRANDS, INC.

Assignment 1 of 13

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [2825/0874](#)

Pages: 6

Date Recorded: Apr. 02, 2004

Supporting Documents: [assignment-tm-2825-0874.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Mar. 31, 2004

Legal Entity Type: CORPORATION

State or Country Where
Organized: OHIO

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 600 MONTGOMERY STREET
C/O TSG4 L.P., SUITE 2900
SAN FRANCISCO, CALIFORNIA 94111

Correspondent

Correspondent Name: ROPES & GRAY LLP

Correspondent Address: ERIN A.DUGAN, IP PARALEGAL
ONE INTERNATIONAL PLACE
BOSTON, MA 02110

Domestic Representative - Not Found

Assignment 2 of 13

Conveyance: SECURITY AGREEMENT

Reel/Frame: [2952/0167](#)

Pages: 35

Date Recorded: Apr. 08, 2004

Supporting Documents: [assignment-tm-2952-0167.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Mar. 31, 2004

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: [UNION BANK OF CALIFORNIA, N.A., AS ADMINISTRATIVE AGENT FOR THE LENDERS](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where
Organized: No Place Where Organized Found

Address: 445 SOUTH FIGUEROA STREET, 13TH STREET
ATTN: GARY KIRSHNER
LOS ANGELES, CALIFORNIA 90071

Correspondent

Correspondent Name: PILLSBURY WINTHROP LLP

Correspondent Address: REX D. FRAZIER, ESQ.
725 SOUTH FIGUEROA STREET, SUITE 2800
LOS ANGELES, CALIFORNIA 90017-5406

Domestic Representative - Not Found

Assignment 3 of 13

Conveyance: CHANGE OF ADDRESS

Reel/Frame: [2941/0281](#)

Pages: 2

Date Recorded: Sep. 21, 2004

Supporting Documents: [assignment-tm-2941-0281.pdf](#)

Assignor	
Name: GFA BRANDS, INC.	Execution Date: Aug. 10, 2004
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Assignee	
Name: GFA BRANDS, INC.	
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Address: 211 KNICKERBOCKER ROAD CRESKILL, NEW JERSEY 07626	
Correspondent	
Correspondent Name: ROPES & GRAY, LLP	
Correspondent Address: JACOB E. COMER , ESQ. ONE INTERNATIONAL PLACE BOSTON, MA 02110	
Domestic Representative - Not Found	
Assignment 4 of 13	
Conveyance: RELEASE BY SECURED PARTY	
Reel/Frame: 3544/0352	Pages: 5
Date Recorded: May 15, 2007	
Supporting Documents: assignment-tm-3544-0352.pdf	
Assignor	
Name: UNION BANK OF CALIFORNIA N.A.	Execution Date: May 14, 2007
Legal Entity Type: NATIONAL BANKING ASSOCIATION	State or Country Where Organized: No Place Where Organized Found
Assignee	
Name: GFA BRANDS, INC.	
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Address: P.O. BOX 397 211 KNICKERBOCKER ROAD CRESSKILL, NEW JERSEY 07626	
Correspondent	
Correspondent Name: PATRICK M. BERGIN	
Correspondent Address: 111 EAST KILBOURN AVENUE SUITE 1400 MILWAUKEE, WI 53202	
Domestic Representative - Not Found	
Assignment 5 of 13	
Conveyance: FIRST LIEN INTELLECTUAL PROPERTY SECURITY AGREEMENT	
Reel/Frame: 3652/0879	Pages: 12
Date Recorded: Nov. 01, 2007	
Supporting Documents: assignment-tm-3652-0879.pdf	
Assignor	
Name: BSB ACQUISITION CO., INC.	Execution Date: May 21, 2007
Legal Entity Type: CORPORATION	State or Country Where Organized: No Place Where Organized Found
Assignee	
Name: BOULDER SPECIALTY BRANDS, INC.	Execution Date: May 21, 2007
Legal Entity Type: CORPORATION	State or Country Where Organized: No Place Where Organized Found
Assignee	
Name: BANK OF AMERICA, N.A.	
Legal Entity Type: NATIONAL ASSOCIATION	State or Country Where Organized: No Place Where Organized Found
Address: 1455 MARKET ST. 5TH FLOOR SAN FRANCISCO, CALIFORNIA 94103	
Correspondent	
Correspondent Name: SUSAN REISS	
Correspondent Address: 599 LEXINGTON AVENUE SHEARMAN & STERLING LLP NEW YORK, NY 10022	

Domestic Representative - Not Found**Assignment 6 of 13****Conveyance:** SECOND LIEN INTELLECTUAL PROPERTY SECURITY AGREEMENT**Reel/Frame:** [3652/0891](#)**Pages:** 12**Date Recorded:** Nov. 01, 2007**Supporting Documents:** [assignment-tm-3652-0891.pdf](#)**Assignor****Name:** [BSB ACQUISITION CO., INC.](#)**Execution Date:** May 21, 2007**Legal Entity Type:** CORPORATION**State or Country Where Organized:** No Place Where Organized Found**Name:** [BOULDER SPECIALTY BRANDS, INC.](#)**Execution Date:** May 21, 2007**Legal Entity Type:** CORPORATION**State or Country Where Organized:** No Place Where Organized Found**Assignee****Name:** [BANK OF AMERICA, N.A.](#)**Legal Entity Type:** NATIONAL ASSOCIATION**State or Country Where Organized:** No Place Where Organized Found**Address:** 1455 MARKET ST.
5TH FLOOR
SAN FRANCISCO, CALIFORNIA 94103**Correspondent****Correspondent Name:** SUSAN REISS**Correspondent Address:** 599 LEXINGTON AVENUE
SHEARMAN & STERLING LLP
NEW YORK, NY 10022**Domestic Representative - Not Found****Assignment 7 of 13****Conveyance:** RELEASE OF FIRST LIEN INTELLECTUAL PROPERTY SECURITY AGREEMENT**Reel/Frame:** [4090/0972](#)**Pages:** 11**Date Recorded:** Nov. 04, 2009**Supporting Documents:** [assignment-tm-4090-0972.pdf](#)**Assignor****Name:** [BANK OF AMERICA, N.A.](#)**Execution Date:** Nov. 04, 2009**Legal Entity Type:** CORPORATION**State or Country Where Organized:** No Place Where Organized Found**Assignee****Name:** [BSB ACQUISITION CO., INC.](#)**Legal Entity Type:** CORPORATION**State or Country Where Organized:** DELAWARE**Address:** 115 W. CENTURY RD.
SUITE 260
PARAMUS, NEW JERSEY 07652**Name:** [BOULDER SPECIALTY BRANDS, INC.](#)**Legal Entity Type:** CORPORATION**State or Country Where Organized:** DELAWARE**Address:** 115 WEST CENTURY RD.
SUITE 260
PARAMUS, NEW JERSEY 07652**Correspondent****Correspondent Name:** PATRICK M. BERGIN**Correspondent Address:** 111 E. KILBOURN AVE.
SUITE 1400
MILWAUKEE, WI 53202**Domestic Representative - Not Found****Assignment 8 of 13****Conveyance:** RELEASE OF SECOND LIEN SECURITY INTEREST**Reel/Frame:** [4090/0983](#)**Pages:** 11**Date Recorded:** Nov. 04, 2009**Supporting Documents:** [assignment-tm-4090-0983.pdf](#)**Assignor****Name:** [BANK OF AMERICA, N.A.](#)**Execution Date:** Nov. 04, 2009

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [BSB ACQUISITION CO., INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 115 W. CENTURY RD.
SUITE 260
PARAMUS, NEW JERSEY 07652

Name: [BOULDER SPECIALTY BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 115 W. CENTURY RD.
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: PATRICK M. BERGIN

Correspondent Address: 111 E. KILBOURN AVE.
SUITE 1400
MILWAUKEE, WI 53202

Domestic Representative - Not Found

Assignment 9 of 13

Conveyance: SECURITY INTEREST

Reel/Frame: [4091/0319](#)

Pages: 10

Date Recorded: Nov. 05, 2009

Supporting Documents: [assignment-tm-4091-0319.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Nov. 04, 2009

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)

Legal Entity Type: CHARTERED BANK

State or Country Where Organized: CANADA

Address: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA

Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found

Assignment 10 of 13

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [4812/0734](#)

Pages: 7

Date Recorded: Jul. 02, 2012

Supporting Documents: [assignment-tm-4812-0734.pdf](#)

Assignor

Name: [BANK OF MONTREAL](#)

Execution Date: Jul. 02, 2012

Legal Entity Type: CANADIAN CHARTERED BANK

State or Country Where Organized: CANADA

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: JASON L. GREENBERG

Correspondent Address: ONE NEW YORK PLAZA
FRIED FRANK LLP

Domestic Representative - Not Found

Assignment 11 of 13

Conveyance: SECURITY INTEREST

Reel/Frame: [4813/0493](#)

Pages: 9

Date Recorded: Jul. 02, 2012

Supporting Documents: [assignment-tm-4813-0493.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Jul. 02, 2012

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)

Legal Entity Type: CHARTERED BANK

State or Country Where
Organized: CANADAAddress: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA

Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found

Assignment 12 of 13

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [5065/0914](#)

Pages: 8

Date Recorded: Jul. 09, 2013

Supporting Documents: [assignment-tm-5065-0914.pdf](#)

Assignor

Name: [BANK OF MONTREAL, AS ADMINISTRATIVE
AGENT](#)

Execution Date: Jul. 09, 2013

Legal Entity Type: CANADIAN CHARTERED BANK

State or Country Where
Organized: CANADA

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWAREAddress: 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: HENRY LEBOWITZ

Correspondent Address: ONE NEW YORK PLAZA
FRIED FRANK LLP
NEW YORK, NY 10004

Domestic Representative - Not Found

Assignment 13 of 13

Conveyance: TRADEMARK COLLATERAL AGREEMENT

Reel/Frame: [5068/0393](#)

Pages: 9

Date Recorded: Jul. 11, 2013

Supporting Documents: [assignment-tm-5068-0393.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Jul. 09, 2013

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: [CITIBANK, N.A., AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where
Organized: UNITED STATESAddress: 390 GREENWICH STREET
NEW YORK, NEW YORK 10013

Defendant			
Name: Radlo Foods LLC Correspondent Address: BASSAM N IBRAHIM BUCHANAN INGERSOLL & ROONEY PC 1737 KING STREET, SUITE 500 ALEXANDRIA VA , 22314-1404 UNITED STATES Correspondent e-mail: bassam.ibrahim@bipc.com , lloyd.smith@bipc.com			
Associated marks			
Mark	Application Status	Serial Number	Registration Number
SMART GOODNESS	Abandoned - After Inter-Partes Decision	77620901	
Plaintiff(s)			
Name: GFA Brands, Inc. Correspondent Address: PATRICK M BERGIN DAVIS & KUELTHAU SC 111 EAST KILBOURN AVENUE, SUITE 1400 MILWAUKEE WI , 53202 UNITED STATES Correspondent e-mail: jheino@dkattorneys.com			
Associated marks			
Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Section 8 and 15 - Accepted and Acknowledged	76252358	2952127
SMART BALANCE	Renewed	75127811	2276285
SMART BALANCE	Renewed	75977525	2200663
SMART BALANCE	Registered	77512724	3649833
SMART BALANCE OMEGA	Section 8 and 15 - Accepted and Acknowledged	78272133	2958216
SMART BALANCE	Abandoned - No Statement Of Use Filed	77200582	
SMART BALANCE	Registered	77566103	3747526
Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 21, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 21, 2009	Jan 30, 2010
3	PENDING, INSTITUTED	Dec 21, 2009	
4	ANSWER	Jan 25, 2010	
5	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 30, 2010	
6	EXTENSION OF TIME GRANTED	Apr 05, 2010	
7	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 31, 2010	
8	EXTENSION OF TIME GRANTED	Apr 12, 2010	
9	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 30, 2010	
10	EXTENSION OF TIME GRANTED	May 10, 2010	
11	CHANGE OF CORRESPONDENCE ADDRESS	May 13, 2010	
12	D'S CHANGE OF CORRESPONDENCE ADDRESS	May 13, 2010	
13	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jun 29, 2010	
14	EXTENSION OF TIME GRANTED	Jul 08, 2010	
15	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 30, 2010	
16	EXTENSION OF TIME GRANTED	Sep 11, 2010	
17	STIPULATION FOR AN EXTENSION OF TIME	Oct 26, 2010	
18	EXTENSION OF TIME GRANTED	Oct 26, 2010	
19	WITHDRAWAL OF APPLICATION	Nov 23, 2010	
20	BOARD'S DECISION: SUSTAINED	Dec 01, 2010	

EXHIBIT A-6

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Mark: SMART BALANCE

SMART BALANCE

US Serial Number: 77512724	Application Filing Date: Jul. 01, 2008
US Registration Number: 3649833	Registration Date: Jul. 07, 2009
Filed as TEAS Plus: Yes	Currently TEAS Plus: Yes
Register: Principal	
Mark Type: Trademark	
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.	
Status Date: Jul. 07, 2009	
Publication Date: Apr. 21, 2009	

Mark Information

Mark Literal Elements: SMART BALANCE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

International Registration Number: 1176826

International Application(s) /Registration(s) Based on this Property: A0037907/1176826

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Peanut butter	
International Class(es): 029 - Primary Class	U.S Class(es): 046
Class Status: ACTIVE	
Basis: 1(a)	
First Use: Oct. 2005	Use in Commerce: Oct. 2005

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: GFA BRANDS, INC.	
Owner Address: 115 West Century Road Suite 260 Paramus, NEW JERSEY 07652 UNITED STATES	
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Larry H. Tronco

Attorney Primary Email Address: docket@hollandhart.com

Attorney Email Yes
Authorized:

Correspondent

Correspondent Name/Address: Larry H. Tronco
Holland & Hart LLP
P.O. Box 8749
Attn: Trademark Docketing
Denver, COLORADO 80201
UNITED STATES

Phone: (303) 473-2873

Fax: (303) 473-2720

Correspondent e-mail: docket@hollandhart.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 21, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
May 21, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Nov. 15, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Nov. 15, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 17, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 15, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 15, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 07, 2009	REGISTERED-PRINCIPAL REGISTER	
Apr. 21, 2009	PUBLISHED FOR OPPOSITION	
Apr. 01, 2009	NOTICE OF PUBLICATION	
Mar. 16, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	70884
Mar. 16, 2009	ASSIGNED TO LIE	70884
Mar. 16, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 06, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 05, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 05, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 05, 2008	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Oct. 09, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 09, 2008	NON-FINAL ACTION E-MAILED	6325
Oct. 09, 2008	NON-FINAL ACTION WRITTEN	75571
Oct. 06, 2008	ASSIGNED TO EXAMINER	75571
Jul. 07, 2008	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jul. 07, 2009

Assignment Abstract Of Title Information

Summary

Total Assignments: 6

Registrant: GFA BRANDS, INC.

Assignment 1 of 6

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [3882/0123](#)

Pages: 3

Date Recorded: Nov. 03, 2008

Supporting Documents: [assignment-tm-3882-0123.pdf](#)

Assignor

Name: [SMART BALANCE, INC.](#) Execution Date: Oct. 31, 2008
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Assignee

Name: [GFA BRANDS, INC.](#)
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE
Address: 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: PATRICK M. BERGIN
Correspondent Address: 111 E. KILBOURN AVE.
SUITE 1400
MILWAUKEE, WI 53202

Domestic Representative - Not Found

Assignment 2 of 6

Conveyance: SECURITY INTEREST
Reel/Frame: [4091/0319](#) Pages: 10
Date Recorded: Nov. 05, 2009
Supporting Documents: [assignment-tm-4091-0319.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#) Execution Date: Nov. 04, 2009
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)
Legal Entity Type: CHARTERED BANK State or Country Where Organized: CANADA
Address: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA
Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found

Assignment 3 of 6

Conveyance: RELEASE BY SECURED PARTY
Reel/Frame: [4812/0734](#) Pages: 7
Date Recorded: Jul. 02, 2012
Supporting Documents: [assignment-tm-4812-0734.pdf](#)

Assignor

Name: [BANK OF MONTREAL](#) Execution Date: Jul. 02, 2012
Legal Entity Type: CANADIAN CHARTERED BANK State or Country Where Organized: CANADA

Assignee

Name: [GFA BRANDS, INC.](#)
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE
Address: 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: JASON L. GREENBERG
Correspondent Address: ONE NEW YORK PLAZA
FRIED FRANK LLP
NEW YORK, NY 10004-1980

Domestic Representative - Not Found

Assignment 4 of 6

Conveyance: SECURITY INTEREST

Reel/Frame: [4813/0493](#)

Pages: 9

Date Recorded: Jul. 02, 2012

Supporting Documents: [assignment-tm-4813-0493.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Jul. 02, 2012

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)

Legal Entity Type: CHARTERED BANK

State or Country Where
Organized: CANADA

Address: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA

Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found

Assignment 5 of 6

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [5065/0914](#)

Pages: 8

Date Recorded: Jul. 09, 2013

Supporting Documents: [assignment-tm-5065-0914.pdf](#)

Assignor

Name: [BANK OF MONTREAL, AS ADMINISTRATIVE AGENT](#)

Execution Date: Jul. 09, 2013

Legal Entity Type: CANADIAN CHARTERED BANK

State or Country Where
Organized: CANADA

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: HENRY LEBOWITZ

Correspondent Address: ONE NEW YORK PLAZA
FRIED FRANK LLP
NEW YORK, NY 10004

Domestic Representative - Not Found

Assignment 6 of 6

Conveyance: TRADEMARK COLLATERAL AGREEMENT

Reel/Frame: [5068/0393](#)

Pages: 9

Date Recorded: Jul. 11, 2013

Supporting Documents: [assignment-tm-5068-0393.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Jul. 09, 2013

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: [CITIBANK, N.A., AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where
Organized: UNITED STATES

Address: 390 GREENWICH STREET
NEW YORK, NEW YORK 10013

Correspondent

Correspondent Name: LATHAM & WATKINS LLP

Correspondent Address: 650 TOWN CENTER DRIVE, SUITE 2000
COSTA MESA, CA 92626

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91193265](#)

Filing Date: Dec 31, 2009

Status: Terminated

Status Date: Apr 16, 2010

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Isaren AB; c/o Brejans

Correspondent Address: MARK LEBOW
YOUNG & THOMPSON
209 MADISON STREET, SUITE 500
ALEXANDRIA VA , 22314
UNITED STATES

Correspondent e-mail: trademarks@young-thompson.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE GOLF	Abandoned - After Inter-Partes Decision	79065432	

Plaintiff(s)

Name: GFA Brands, Inc.

Correspondent Address: PATRICK M. BERGIN
DAVIS & KUELTHAU, S.C.
111 E. KILBOURN AVE., SUITE 1400
MILWAUKEE WI , 53202
UNITED STATES

Correspondent e-mail: pbergin@dkattorneys.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75977525	2200663
SMART BALANCE	Renewed	75127811	2276285
SMART BALANCE	Section 8 and 15 - Accepted and Acknowledged	76252358	2952127
SMART BALANCE	Registered	77512724	3649833
SMART BALANCE OMEGA	Section 8 and 15 - Accepted and Acknowledged	78272133	2958216
SMART BALANCE	Abandoned - No Statement Of Use Filed	77200582	
SMART BALANCE	Registered	77566103	3747526

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 31, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 05, 2010	Feb 14, 2010
3	PENDING, INSTITUTED	Jan 05, 2010	
4	NOTICE OF DEFAULT	Mar 02, 2010	
5	BOARD'S DECISION: SUSTAINED	Apr 16, 2010	
6	TERMINATED	Apr 16, 2010	

Type of Proceeding: Opposition

Proceeding Number: [91193087](#)

Filing Date: Dec 21, 2009

Status: Terminated

Status Date: Dec 01, 2010

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Radio Foods LLC

Correspondent Address: BASSAM N IBRAHIM
BUCHANAN INGERSOLL & ROONEY PC
1737 KING STREET, SUITE 500
ALEXANDRIA VA , 22314-1404
UNITED STATES

Correspondent e-mail: bassam.ibrahim@bipc.com , lloyd.smith@bipc.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
SMART GOODNESS	Abandoned - After Inter-Partes Decision	77620901	
Plaintiff(s)			

Name: GFA Brands, Inc.

Correspondent Address: PATRICK M BERGIN
DAVIS & KUELTHAU SC
111 EAST KILBOURN AVENUE, SUITE 1400
MILWAUKEE WI , 53202
UNITED STATES

Correspondent e-mail: jheino@dkattorneys.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Section 8 and 15 - Accepted and Acknowledged	76252358	2952127
SMART BALANCE	Renewed	75127811	2276285
SMART BALANCE	Renewed	75977525	2200663
SMART BALANCE	Registered	77512724	3649833
SMART BALANCE OMEGA	Section 8 and 15 - Accepted and Acknowledged	78272133	2958216
SMART BALANCE	Abandoned - No Statement Of Use Filed	77200582	
SMART BALANCE	Registered	77566103	3747526

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 21, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 21, 2009	Jan 30, 2010
3	PENDING, INSTITUTED	Dec 21, 2009	
4	ANSWER	Jan 25, 2010	
5	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 30, 2010	
6	EXTENSION OF TIME GRANTED	Apr 05, 2010	
7	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 31, 2010	
8	EXTENSION OF TIME GRANTED	Apr 12, 2010	
9	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 30, 2010	
10	EXTENSION OF TIME GRANTED	May 10, 2010	
11	CHANGE OF CORRESPONDENCE ADDRESS	May 13, 2010	
12	D'S CHANGE OF CORRESPONDENCE ADDRESS	May 13, 2010	
13	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jun 29, 2010	
14	EXTENSION OF TIME GRANTED	Jul 08, 2010	
15	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 30, 2010	
16	EXTENSION OF TIME GRANTED	Sep 11, 2010	
17	STIPULATION FOR AN EXTENSION OF TIME	Oct 26, 2010	
18	EXTENSION OF TIME GRANTED	Oct 26, 2010	
19	WITHDRAWAL OF APPLICATION	Nov 23, 2010	
20	BOARD'S DECISION: SUSTAINED	Dec 01, 2010	
21	TERMINATED	Dec 01, 2010	

EXHIBIT A-7

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Mark: EARTH BALANCE

EARTH BALANCE

US Serial Number: 77716694
US Registration Number: 3708400
Filed as TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Nov. 10, 2009
Publication Date: Aug. 25, 2009

Application Filing Date: Apr. 17, 2009
Registration Date: Nov. 10, 2009
Currently TEAS Plus: Yes

Mark Information

Mark Literal Elements: EARTH BALANCE
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 2237867, 3648468

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Peanut butter
International Class(es): 029 - Primary Class
Class Status: ACTIVE
Basis: 1(a)
First Use: Sep. 2008

U.S Class(es): 046
Use in Commerce: Sep. 2008

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: GFA Brands, Inc.
Owner Address: 115 West Century Road
Suite 260
Paramus, NEW JERSEY 07652
UNITED STATES
Legal Entity Type: CORPORATION

State or Country Where Organized: WISCONSIN

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Larry H. Tronco

Attorney Primary Email docket@hollandhart.com
Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Name/Address: Larry H. Tronco
Holland & Hart LLP
P.O. Box 8749
Attn: Trademark Docketing
Denver, COLORADO 80201
UNITED STATES

Phone: (303) 473-2873

Fax: (303) 473-2720

Correspondent e-mail: docket@hollandhart.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 21, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
May 21, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Nov. 15, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Nov. 15, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 17, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 15, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 15, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Nov. 10, 2009	REGISTERED-PRINCIPAL REGISTER	
Aug. 25, 2009	PUBLISHED FOR OPPOSITION	
Aug. 05, 2009	NOTICE OF PUBLICATION	
Jul. 17, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	70629
Jul. 09, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 08, 2009	EXAMINER'S AMENDMENT ENTERED	70629
Jul. 08, 2009	ASSIGNED TO LIE	70629
Jul. 08, 2009	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jul. 08, 2009	EXAMINERS AMENDMENT E-MAILED	6328
Jul. 08, 2009	EXAMINERS AMENDMENT -WRITTEN	76582
Jul. 06, 2009	ASSIGNED TO EXAMINER	76582
Apr. 22, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 21, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Nov. 10, 2009

Assignment Abstract Of Title Information

Summary

Total Assignments: 7

Registrant: GFA Brands, Inc.

Assignment 1 of 7

Conveyance: SECURITY INTEREST

Reel/Frame: [4091/0319](#)

Pages: 10

Date Recorded: Nov. 05, 2009

Supporting Documents: [assignment-tm-4091-0319.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Nov. 04, 2009

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee	
Name: BANK OF MONTREAL, AS AGENT	
Legal Entity Type: CHARTERED BANK	State or Country Where Organized: CANADA
Address: 115 SOUTH LASALLE STREET CHICAGO, ILLINOIS 60603	
Correspondent	
Correspondent Name: RICHARD KALWA	
Correspondent Address: 111 WEST MONROE STREET CHAPMAN AND CUTLER LLP CHICAGO, IL 60603	
Domestic Representative - Not Found	
Assignment 2 of 7	
Conveyance: SECURITY INTEREST	
Reel/Frame: 4512/0947	Pages: 9
Date Recorded: Mar. 31, 2011	
Supporting Documents: assignment-tm-4512-0947.pdf	
Assignor	
Name: GFA BRANDS, INC.	Execution Date: Mar. 31, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Assignee	
Name: BANK OF MONTREAL, AS AGENT	
Legal Entity Type: CHARTERED BANK	State or Country Where Organized: CANADA
Address: 115 SOUTH LASALLE STREET CHICAGO, ILLINOIS 60603	
Correspondent	
Correspondent Name: RICHARD KALWA	
Correspondent Address: 111 WEST MONROE STREET CHAPMAN AND CUTLER LLP CHICAGO, IL 60603	
Domestic Representative - Not Found	
Assignment 3 of 7	
Conveyance: RELEASE BY SECURED PARTY	
Reel/Frame: 4812/0734	Pages: 7
Date Recorded: Jul. 02, 2012	
Supporting Documents: assignment-tm-4812-0734.pdf	
Assignor	
Name: BANK OF MONTREAL	Execution Date: Jul. 02, 2012
Legal Entity Type: CANADIAN CHARTERED BANK	State or Country Where Organized: CANADA
Assignee	
Name: GFA BRANDS, INC.	
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Address: 115 WEST CENTURY ROAD SUITE 260 PARAMUS, NEW JERSEY 07652	
Correspondent	
Correspondent Name: JASON L. GREENBERG	
Correspondent Address: ONE NEW YORK PLAZA FRIED FRANK LLP NEW YORK, NY 10004-1980	
Domestic Representative - Not Found	
Assignment 4 of 7	
Conveyance: SECURITY INTEREST	
Reel/Frame: 4813/0493	Pages: 9
Date Recorded: Jul. 02, 2012	
Supporting Documents: assignment-tm-4813-0493.pdf	
Assignor	

Name: GFA BRANDS, INC.		Execution Date: Jul. 02, 2012
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE	
Assignee		
Name: BANK OF MONTREAL, AS AGENT		
Legal Entity Type: CHARTERED BANK	State or Country Where Organized: CANADA	
Address: 115 SOUTH LASALLE STREET CHICAGO, ILLINOIS 60603		
Correspondent		
Correspondent Name: RICHARD KALWA		
Correspondent Address: 111 WEST MONROE STREET CHAPMAN AND CUTLER LLP CHICAGO, IL 60603		
Domestic Representative - Not Found		
Assignment 5 of 7		
Conveyance: RELEASE BY SECURED PARTY		
Reel/Frame: 4813/0853	Pages: 8	
Date Recorded: Jul. 02, 2012		
Supporting Documents: assignment-tm-4813-0853.pdf		
Assignor		
Name: BANK OF MONTREAL		Execution Date: Jul. 02, 2012
Legal Entity Type: CANADIAN CHARTERED BANK	State or Country Where Organized: CANADA	
Assignee		
Name: GFA BRANDS, INC.		
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE	
Address: 115 WEST CENTURY ROAD SUITE 260 PARAMUS, NEW JERSEY 07652		
Correspondent		
Correspondent Name: JASON L. GREENBERG		
Correspondent Address: ONE NEW YORK PLAZA FRIED FRANK LLP NEW YORK, NY 10004-1980		
Domestic Representative - Not Found		
Assignment 6 of 7		
Conveyance: RELEASE BY SECURED PARTY		
Reel/Frame: 5065/0914	Pages: 8	
Date Recorded: Jul. 09, 2013		
Supporting Documents: assignment-tm-5065-0914.pdf		
Assignor		
Name: BANK OF MONTREAL, AS ADMINISTRATIVE AGENT		Execution Date: Jul. 09, 2013
Legal Entity Type: CANADIAN CHARTERED BANK	State or Country Where Organized: CANADA	
Assignee		
Name: GFA BRANDS, INC.		
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE	
Address: 115 WEST CENTURY ROAD SUITE 260 PARAMUS, NEW JERSEY 07652		
Correspondent		
Correspondent Name: HENRY LEBOWITZ		
Correspondent Address: ONE NEW YORK PLAZA FRIED FRANK LLP NEW YORK, NY 10004		
Domestic Representative - Not Found		
Assignment 7 of 7		
Conveyance: TRADEMARK COLLATERAL AGREEMENT		

Reel/Frame: [5068/0393](#)

Pages: 9

Date Recorded: Jul. 11, 2013

Supporting Documents: [assignment-tm-5068-0393.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Jul. 09, 2013

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: [CITIBANK, N.A., AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where
Organized: UNITED STATES

Address: 390 GREENWICH STREET
NEW YORK, NEW YORK 10013

Correspondent

Correspondent Name: LATHAM & WATKINS LLP

Correspondent Address: 650 TOWN CENTER DRIVE, SUITE 2000
COSTA MESA, CA 92626

Domestic Representative - Not Found

EXHIBIT A-8

Generated on: This page was generated by TSDR on 2014-10-01 16:19:31 EDT

Mark: SMART BALANCE

SMART BALANCE

US Serial Number: 77566103	Application Filing Date: Sep. 09, 2008
US Registration Number: 3747526	Registration Date: Feb. 09, 2010
Filed as TEAS Plus: Yes	Currently TEAS Plus: Yes
Register: Principal	
Mark Type: Trademark	
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.	
Status Date: Feb. 09, 2010	
Publication Date: Feb. 03, 2009	Notice of Allowance Date: Apr. 28, 2009

Mark Information

Mark Literal Elements: SMART BALANCE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

International Registration Number: 1176826

International Application(s) /Registration(s) Based on this Property: A0037907/1176826

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Eggs	
International Class(es): 029 - Primary Class	U.S Class(es): 046
Class Status: ACTIVE	
Basis: 1(a)	
First Use: Mar. 14, 2009	Use in Commerce: Apr. 2009

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: GFA BRANDS, INC.	
Owner Address: 115 West Century Road Suite 260 Paramus, NEW JERSEY 07652 UNITED STATES	
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Larry H. Tronco

Attorney Primary Email Address: docket@hollandhart.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Larry H. Tronco
Holland & Hart LLP
P.O. Box 8749
Attn: Trademark Docketing
Denver, COLORADO 80201
UNITED STATES

Phone: (303) 473-2873

Fax: (303) 473-2720

Correspondent e-mail: docket@hollandhart.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 21, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
May 21, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Nov. 15, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Nov. 15, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 17, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 15, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 15, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Feb. 09, 2010	REGISTERED-PRINCIPAL REGISTER	
Jan. 04, 2010	LAW OFFICE REGISTRATION REVIEW COMPLETED	74215
Dec. 31, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 17, 2009	STATEMENT OF USE PROCESSING COMPLETE	76874
Oct. 28, 2009	USE AMENDMENT FILED	76874
Nov. 16, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76874
Oct. 28, 2009	TEAS STATEMENT OF USE RECEIVED	
Apr. 28, 2009	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Feb. 03, 2009	PUBLISHED FOR OPPOSITION	
Jan. 14, 2009	NOTICE OF PUBLICATION	
Dec. 30, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	74215
Dec. 30, 2008	ASSIGNED TO LIE	74215
Dec. 16, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 11, 2008	ASSIGNED TO EXAMINER	83695
Nov. 05, 2008	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Sep. 12, 2008	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 04, 2010

Assignment Abstract Of Title Information

Summary

Total Assignments: 8

Registrant: GFA BRANDS, INC.

Assignment 1 of 8

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [3882/0123](#)

Pages: 3

Date Recorded: Nov. 03, 2008

Supporting Documents: [assignment-tm-3882-0123.pdf](#)

Assignor

Name: [SMART BALANCE, INC.](#) Execution Date: Oct. 31, 2008
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Assignee

Name: [GFA BRANDS, INC.](#)
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE
Address: 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: PATRICK M. BERGIN
Correspondent Address: 111 E. KILBOURN AVE.
SUITE 1400
MILWAUKEE, WI 53202

Domestic Representative - Not Found

Assignment 2 of 8

Conveyance: SECURITY INTEREST
Reel/Frame: [4091/0319](#) Pages: 10
Date Recorded: Nov. 05, 2009
Supporting Documents: [assignment-tm-4091-0319.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#) Execution Date: Nov. 04, 2009
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)
Legal Entity Type: CHARTERED BANK State or Country Where Organized: CANADA
Address: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA
Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found

Assignment 3 of 8

Conveyance: SECURITY INTEREST
Reel/Frame: [4512/0947](#) Pages: 9
Date Recorded: Mar. 31, 2011
Supporting Documents: [assignment-tm-4512-0947.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#) Execution Date: Mar. 31, 2011
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)
Legal Entity Type: CHARTERED BANK State or Country Where Organized: CANADA
Address: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA
Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found**Assignment 4 of 8****Conveyance:** RELEASE BY SECURED PARTY**Reel/Frame:** [4812/0734](#)**Pages:** 7**Date Recorded:** Jul. 02, 2012**Supporting Documents:** [assignment-tm-4812-0734.pdf](#)**Assignor****Name:** [BANK OF MONTREAL](#)**Execution Date:** Jul. 02, 2012**Legal Entity Type:** CANADIAN CHARTERED BANK**State or Country Where
Organized:** CANADA**Assignee****Name:** [GFA BRANDS, INC.](#)**Legal Entity Type:** CORPORATION**State or Country Where
Organized:** DELAWARE**Address:** 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652**Correspondent****Correspondent Name:** JASON L. GREENBERG**Correspondent Address:** ONE NEW YORK PLAZA
FRIED FRANK LLP
NEW YORK, NY 10004-1980**Domestic Representative - Not Found****Assignment 5 of 8****Conveyance:** SECURITY INTEREST**Reel/Frame:** [4813/0493](#)**Pages:** 9**Date Recorded:** Jul. 02, 2012**Supporting Documents:** [assignment-tm-4813-0493.pdf](#)**Assignor****Name:** [GFA BRANDS, INC.](#)**Execution Date:** Jul. 02, 2012**Legal Entity Type:** CORPORATION**State or Country Where
Organized:** DELAWARE**Assignee****Name:** [BANK OF MONTREAL, AS AGENT](#)**Legal Entity Type:** CHARTERED BANK**State or Country Where
Organized:** CANADA**Address:** 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603**Correspondent****Correspondent Name:** RICHARD KALWA**Correspondent Address:** 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603**Domestic Representative - Not Found****Assignment 6 of 8****Conveyance:** RELEASE BY SECURED PARTY**Reel/Frame:** [4813/0853](#)**Pages:** 8**Date Recorded:** Jul. 02, 2012**Supporting Documents:** [assignment-tm-4813-0853.pdf](#)**Assignor****Name:** [BANK OF MONTREAL](#)**Execution Date:** Jul. 02, 2012**Legal Entity Type:** CANADIAN CHARTERED BANK**State or Country Where
Organized:** CANADA**Assignee****Name:** [GFA BRANDS, INC.](#)**Legal Entity Type:** CORPORATION**State or Country Where
Organized:** DELAWARE**Address:** 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652**Correspondent**

Correspondent Name: JASON L. GREENBERG

Correspondent Address: ONE NEW YORK PLAZA
FRIED FRANK LLP
NEW YORK, NY 10004-1980

Domestic Representative - Not Found

Assignment 7 of 8

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [5065/0914](#)

Pages: 8

Date Recorded: Jul. 09, 2013

Supporting Documents: [assignment-tm-5065-0914.pdf](#)

Assignor

Name: [BANK OF MONTREAL, AS ADMINISTRATIVE AGENT](#)

Execution Date: Jul. 09, 2013

Legal Entity Type: CANADIAN CHARTERED BANK

State or Country Where Organized: CANADA

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: HENRY LEBOWITZ

Correspondent Address: ONE NEW YORK PLAZA
FRIED FRANK LLP
NEW YORK, NY 10004

Domestic Representative - Not Found

Assignment 8 of 8

Conveyance: TRADEMARK COLLATERAL AGREEMENT

Reel/Frame: [5068/0393](#)

Pages: 9

Date Recorded: Jul. 11, 2013

Supporting Documents: [assignment-tm-5068-0393.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Jul. 09, 2013

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [CITIBANK, N.A., AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: 390 GREENWICH STREET
NEW YORK, NEW YORK 10013

Correspondent

Correspondent Name: LATHAM & WATKINS LLP

Correspondent Address: 650 TOWN CENTER DRIVE, SUITE 2000
COSTA MESA, CA 92626

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91193265](#)

Filing Date: Dec 31, 2009

Status: Terminated

Status Date: Apr 16, 2010

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Isaren AB; c/o Brejans

Correspondent Address: MARK LEBOW
YOUNG & THOMPSON
209 MADISON STREET, SUITE 500

ALEXANDRIA VA , 22314
UNITED STATES

Correspondent e-mail: trademarks@young-thompson.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
SMART BALANCE GOLF	Abandoned - After Inter-Partes Decision	79065432	
Plaintiff(s)			

Name: GFA Brands, Inc.

Correspondent Address: PATRICK M. BERGIN
DAVIS & KUELTHAU, S.C.
111 E. KILBOURN AVE., SUITE 1400
MILWAUKEE WI , 53202
UNITED STATES

Correspondent e-mail: pbergin@dkattorneys.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75977525	2200663
SMART BALANCE	Renewed	75127811	2276285
SMART BALANCE	Section 8 and 15 - Accepted and Acknowledged	76252358	2952127
SMART BALANCE	Registered	77512724	3649833
SMART BALANCE OMEGA	Section 8 and 15 - Accepted and Acknowledged	78272133	2958216
SMART BALANCE	Abandoned - No Statement Of Use Filed	77200582	
SMART BALANCE	Registered	77566103	3747526

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 31, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 05, 2010	Feb 14, 2010
3	PENDING, INSTITUTED	Jan 05, 2010	
4	NOTICE OF DEFAULT	Mar 02, 2010	
5	BOARD'S DECISION: SUSTAINED	Apr 16, 2010	
6	TERMINATED	Apr 16, 2010	

Type of Proceeding: Opposition

Proceeding Number: [91193087](#)

Filing Date: Dec 21, 2009

Status: Terminated

Status Date: Dec 01, 2010

Interlocutory Attorney: JENNIFER KRISP

Defendant	
Name: Radlo Foods LLC	
Correspondent Address: BASSAM N IBRAHIM BUCHANAN INGERSOLL & ROONEY PC 1737 KING STREET, SUITE 500 ALEXANDRIA VA , 22314-1404 UNITED STATES	
Correspondent e-mail: bassam.ibrahim@bipc.com , lloyd.smith@bipc.com	

Associated marks			
Mark	Application Status	Serial Number	Registration Number
SMART GOODNESS	Abandoned - After Inter-Partes Decision	77620901	
Plaintiff(s)			

Name: GFA Brands, Inc.

Correspondent Address: PATRICK M BERGIN
DAVIS & KUELTHAU SC
111 EAST KILBOURN AVENUE, SUITE 1400
MILWAUKEE WI , 53202
UNITED STATES

Correspondent e-mail: jheino@dkattorneys.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Section 8 and 15 - Accepted and Acknowledged	76252358	2952127
SMART BALANCE	Renewed	75127811	2276285
SMART BALANCE	Renewed	75977525	2200663
SMART BALANCE	Registered	77512724	3649833
SMART BALANCE OMEGA	Section 8 and 15 - Accepted and Acknowledged	78272133	2958216
SMART BALANCE	Abandoned - No Statement Of Use Filed	77200582	
SMART BALANCE	Registered	77566103	3747526

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 21, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 21, 2009	Jan 30, 2010
3	PENDING, INSTITUTED	Dec 21, 2009	
4	ANSWER	Jan 25, 2010	
5	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 30, 2010	
6	EXTENSION OF TIME GRANTED	Apr 05, 2010	
7	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 31, 2010	
8	EXTENSION OF TIME GRANTED	Apr 12, 2010	
9	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 30, 2010	
10	EXTENSION OF TIME GRANTED	May 10, 2010	
11	CHANGE OF CORRESPONDENCE ADDRESS	May 13, 2010	
12	D'S CHANGE OF CORRESPONDENCE ADDRESS	May 13, 2010	
13	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jun 29, 2010	
14	EXTENSION OF TIME GRANTED	Jul 08, 2010	
15	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 30, 2010	
16	EXTENSION OF TIME GRANTED	Sep 11, 2010	
17	STIPULATION FOR AN EXTENSION OF TIME	Oct 26, 2010	
18	EXTENSION OF TIME GRANTED	Oct 26, 2010	
19	WITHDRAWAL OF APPLICATION	Nov 23, 2010	
20	BOARD'S DECISION: SUSTAINED	Dec 01, 2010	
21	TERMINATED	Dec 01, 2010	

EXHIBIT A-9

Generated on: This page was generated by TSDR on 2014-10-01 16:21:44 EDT

Mark: SMART BALANCE

SMART BALANCE

US Serial Number: 77980204

Application Filing Date: Jun. 07, 2007

US Registration Number: 3865917

Registration Date: Oct. 19, 2010

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Oct. 19, 2010

Publication Date: Jan. 01, 2008

Notice of Allowance Date: Mar. 25, 2008

Mark Information

Mark Literal Elements: SMART BALANCE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

International Registration Number: 1176826

International Application(s) /Registration(s) Based on this Property: A0037907/1176826

Claimed Ownership of US Registrations: 77200582

Child Of: 77200582

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: milk

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 2007

Use in Commerce: Oct. 2007

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: GFA BRANDS, INC.

Owner Address: 115 West Century Road
Suite 260
Paramus, NEW JERSEY 07652
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information**Attorney of Record****Attorney Name:** Larry H. Tronco**Attorney Primary Email Address:** docket@hollandhart.com**Attorney Email Authorized:** Yes**Correspondent****Correspondent Name/Address:** Larry H. Tronco
Holland & Hart LLP
P.O. Box 8749
Attn: Trademark Docketing
Denver, COLORADO 80201
UNITED STATES**Phone:** (303) 473-2873**Fax:** (303) 473-2720**Correspondent e-mail:** docket@hollandhart.com**Correspondent e-mail Authorized:** Yes**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
May 21, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
May 21, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Nov. 15, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Nov. 15, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 17, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 15, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 15, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Oct. 19, 2010	REGISTERED-PRINCIPAL REGISTER	
Sep. 14, 2010	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Sep. 13, 2010	LAW OFFICE REGISTRATION REVIEW COMPLETED	67287
Sep. 10, 2010	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 20, 2010	STATEMENT OF USE PROCESSING COMPLETE	61813
Aug. 10, 2010	USE AMENDMENT FILED	61813
Aug. 20, 2010	DIVISIONAL PROCESSING COMPLETE	
Aug. 10, 2010	DIVISIONAL REQUEST RECEIVED	
Aug. 10, 2010	TEAS REQUEST TO DIVIDE RECEIVED	
Aug. 10, 2010	TEAS STATEMENT OF USE RECEIVED	
Mar. 30, 2010	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 28, 2010	EXTENSION 4 GRANTED	61813
Mar. 25, 2010	EXTENSION 4 FILED	61813
Mar. 25, 2010	TEAS EXTENSION RECEIVED	
Sep. 29, 2009	EXTENSION 3 GRANTED	61813
Sep. 25, 2009	EXTENSION 3 FILED	61813
Sep. 25, 2009	TEAS EXTENSION RECEIVED	
Mar. 25, 2009	EXTENSION 2 GRANTED	98765
Mar. 25, 2009	EXTENSION 2 FILED	98765
Mar. 25, 2009	TEAS EXTENSION RECEIVED	
Nov. 05, 2008	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Sep. 29, 2008	EXTENSION 1 GRANTED	61813
Sep. 25, 2008	EXTENSION 1 FILED	61813
Sep. 29, 2008	CASE ASSIGNED TO INTENT TO USE PARALEGAL	61813

Sep. 25, 2008	TEAS EXTENSION RECEIVED	
Mar. 25, 2008	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 01, 2008	PUBLISHED FOR OPPOSITION	
Dec. 12, 2007	NOTICE OF PUBLICATION	
Nov. 26, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	67287
Nov. 24, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 15, 2007	AMENDMENT FROM APPLICANT ENTERED	67287
Nov. 15, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	67287
Nov. 15, 2007	ASSIGNED TO LIE	67287
Oct. 16, 2007	FAX RECEIVED	
Sep. 23, 2007	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Sep. 23, 2007	LETTER OF SUSPENSION E-MAILED	6332
Sep. 23, 2007	SUSPENSION LETTER WRITTEN	77300
Sep. 18, 2007	FAX RECEIVED	
Sep. 14, 2007	ASSIGNED TO EXAMINER	77300
Jun. 12, 2007	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Sep. 13, 2010

Assignment Abstract Of Title Information

Summary

Total Assignments: 5

Registrant: GFA BRANDS, INC.

Assignment 1 of 5

Conveyance: SECURITY INTEREST

Reel/Frame: [4512/0947](#)

Pages: 9

Date Recorded: Mar. 31, 2011

Supporting Documents: [assignment-tm-4512-0947.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Mar. 31, 2011

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)

Legal Entity Type: CHARTERED BANK

State or Country Where Organized: CANADA

Address: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA

Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found

Assignment 2 of 5

Conveyance: SECURITY INTEREST

Reel/Frame: [4813/0493](#)

Pages: 9

Date Recorded: Jul. 02, 2012

Supporting Documents: [assignment-tm-4813-0493.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Jul. 02, 2012

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee	
Name: BANK OF MONTREAL, AS AGENT	
Legal Entity Type: CHARTERED BANK	State or Country Where Organized: CANADA
Address: 115 SOUTH LASALLE STREET CHICAGO, ILLINOIS 60603	
Correspondent	
Correspondent Name: RICHARD KALWA	
Correspondent Address: 111 WEST MONROE STREET CHAPMAN AND CUTLER LLP CHICAGO, IL 60603	
Domestic Representative - Not Found	
Assignment 3 of 5	
Conveyance: RELEASE BY SECURED PARTY	
Reel/Frame: 4813/0853	Pages: 8
Date Recorded: Jul. 02, 2012	
Supporting Documents: assignment-tm-4813-0853.pdf	
Assignor	
Name: BANK OF MONTREAL	Execution Date: Jul. 02, 2012
Legal Entity Type: CANADIAN CHARTERED BANK	State or Country Where Organized: CANADA
Assignee	
Name: GFA BRANDS, INC.	
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Address: 115 WEST CENTURY ROAD SUITE 260 PARAMUS, NEW JERSEY 07652	
Correspondent	
Correspondent Name: JASON L. GREENBERG	
Correspondent Address: ONE NEW YORK PLAZA FRIED FRANK LLP NEW YORK, NY 10004-1980	
Domestic Representative - Not Found	
Assignment 4 of 5	
Conveyance: RELEASE BY SECURED PARTY	
Reel/Frame: 5065/0914	Pages: 8
Date Recorded: Jul. 09, 2013	
Supporting Documents: assignment-tm-5065-0914.pdf	
Assignor	
Name: BANK OF MONTREAL, AS ADMINISTRATIVE AGENT	Execution Date: Jul. 09, 2013
Legal Entity Type: CANADIAN CHARTERED BANK	State or Country Where Organized: CANADA
Assignee	
Name: GFA BRANDS, INC.	
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Address: 115 WEST CENTURY ROAD SUITE 260 PARAMUS, NEW JERSEY 07652	
Correspondent	
Correspondent Name: HENRY LEBOWITZ	
Correspondent Address: ONE NEW YORK PLAZA FRIED FRANK LLP NEW YORK, NY 10004	
Domestic Representative - Not Found	
Assignment 5 of 5	
Conveyance: TRADEMARK COLLATERAL AGREEMENT	
Reel/Frame: 5068/0393	Pages: 9
Date Recorded: Jul. 11, 2013	
Supporting Documents: assignment-tm-5068-0393.pdf	

Assignor

Name: [GFA BRANDS, INC.](#) **Execution Date:** Jul. 09, 2013
Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Assignee

Name: [CITIBANK, N.A., AS ADMINISTRATIVE AGENT](#)
Legal Entity Type: NATIONAL ASSOCIATION **State or Country Where Organized:** UNITED STATES
Address: 390 GREENWICH STREET
NEW YORK, NEW YORK 10013

Correspondent

Correspondent Name: LATHAM & WATKINS LLP
Correspondent Address: 650 TOWN CENTER DRIVE, SUITE 2000
COSTA MESA, CA 92626

Domestic Representative - Not Found

EXHIBIT A-10

Generated on: This page was generated by TSDR on 2014-10-01 16:22:48 EDT

Mark: SMART BALANCE

SMART BALANCE

US Serial Number: 77749193	Application Filing Date: Jun. 01, 2009
US Registration Number: 3958463	Registration Date: May 10, 2011
Filed as TEAS Plus: Yes	Currently TEAS Plus: Yes
Register: Principal	
Mark Type: Trademark	
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.	
Status Date: May 10, 2011	
Publication Date: Aug. 25, 2009	Notice of Allowance Date: Nov. 17, 2009

Mark Information

Mark Literal Elements: SMART BALANCE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

International Registration Number: 1176826

International Application(s) /Registration(s) Based on this Property: A0037907/1176826

Claimed Ownership of US Registrations: 2200663, 2276285, 2958216

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Olive oil

International Class(es): 029 - Primary Class	U.S Class(es): 046
Class Status: ACTIVE	
Basis: 1(a)	
First Use: Nov. 23, 2009	Use in Commerce: Nov. 23, 2009

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: GFA Brands, Inc.

Owner Address: 115 West Century Road, Suite 260
Paramus, NEW JERSEY 07652
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where: DELAWARE

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Larry H. Tronco

Attorney Primary Email Address: docket@hollandhart.comAttorney Email Yes
Authorized:

Correspondent

Correspondent Name/Address: Larry H. Tronco
Holland & Hart LLP
P.O. Box 8749
Attn: Trademark Docketing
Denver, COLORADO 80201
UNITED STATES

Phone: (303) 473-2873

Fax: (303) 473-2720

Correspondent e-mail: docket@hollandhart.comCorrespondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 21, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
May 21, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jul. 17, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 15, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 15, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 10, 2011	REGISTERED-PRINCIPAL REGISTER	
Apr. 05, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Apr. 04, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	70629
Mar. 28, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 25, 2011	STATEMENT OF USE PROCESSING COMPLETE	76874
Mar. 15, 2011	USE AMENDMENT FILED	76874
Mar. 25, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76874
Mar. 15, 2011	TEAS STATEMENT OF USE RECEIVED	
Feb. 07, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 07, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Nov. 19, 2010	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Nov. 17, 2010	EXTENSION 2 GRANTED	98765
Nov. 17, 2010	EXTENSION 2 FILED	98765
Nov. 17, 2010	TEAS EXTENSION RECEIVED	
May 19, 2010	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
May 17, 2010	EXTENSION 1 GRANTED	98765
May 17, 2010	EXTENSION 1 FILED	98765
May 17, 2010	TEAS EXTENSION RECEIVED	
Nov. 17, 2009	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Aug. 25, 2009	PUBLISHED FOR OPPOSITION	
Aug. 05, 2009	NOTICE OF PUBLICATION	
Jul. 17, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	70629
Jul. 09, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 08, 2009	EXAMINER'S AMENDMENT ENTERED	70629
Jul. 08, 2009	ASSIGNED TO LIE	70629
Jul. 08, 2009	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jul. 08, 2009	EXAMINERS AMENDMENT E-MAILED	6328

Jul. 08, 2009	EXAMINERS AMENDMENT -WRITTEN	76582
Jul. 06, 2009	ASSIGNED TO EXAMINER	76582
Jun. 04, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 04, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 04, 2011

Assignment Abstract Of Title Information

Summary

Total Assignments: 5

Registrant: GFA Brands, Inc.

Assignment 1 of 5

Conveyance: SECURITY INTEREST

Reel/Frame: [4091/0319](#)

Pages: 10

Date Recorded: Nov. 05, 2009

Supporting Documents: [assignment-tm-4091-0319.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Nov. 04, 2009

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)

Legal Entity Type: CHARTERED BANK

State or Country Where Organized: CANADA

Address: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA

Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found

Assignment 2 of 5

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [4812/0734](#)

Pages: 7

Date Recorded: Jul. 02, 2012

Supporting Documents: [assignment-tm-4812-0734.pdf](#)

Assignor

Name: [BANK OF MONTREAL](#)

Execution Date: Jul. 02, 2012

Legal Entity Type: CANADIAN CHARTERED BANK

State or Country Where Organized: CANADA

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: JASON L. GREENBERG

Correspondent Address: ONE NEW YORK PLAZA
FRIED FRANK LLP
NEW YORK, NY 10004-1980

Domestic Representative - Not Found

Assignment 3 of 5

Conveyance: SECURITY INTEREST

Reel/Frame: [4813/0493](#)

Pages: 9

Date Recorded: Jul. 02, 2012

Supporting Documents: [assignment-tm-4813-0493.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)
Legal Entity Type: CORPORATION

Execution Date: Jul. 02, 2012
State or Country Where Organized: DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)
Legal Entity Type: CHARTERED BANK
Address: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

State or Country Where Organized: CANADA

Correspondent

Correspondent Name: RICHARD KALWA
Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found

Assignment 4 of 5

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [5065/0914](#)

Pages: 8

Date Recorded: Jul. 09, 2013

Supporting Documents: [assignment-tm-5065-0914.pdf](#)

Assignor

Name: [BANK OF MONTREAL, AS ADMINISTRATIVE AGENT](#)
Legal Entity Type: CANADIAN CHARTERED BANK

Execution Date: Jul. 09, 2013
State or Country Where Organized: CANADA

Assignee

Name: [GFA BRANDS, INC.](#)
Legal Entity Type: CORPORATION
Address: 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652

State or Country Where Organized: DELAWARE

Correspondent

Correspondent Name: HENRY LEBOWITZ
Correspondent Address: ONE NEW YORK PLAZA
FRIED FRANK LLP
NEW YORK, NY 10004

Domestic Representative - Not Found

Assignment 5 of 5

Conveyance: TRADEMARK COLLATERAL AGREEMENT

Reel/Frame: [5068/0393](#)

Pages: 9

Date Recorded: Jul. 11, 2013

Supporting Documents: [assignment-tm-5068-0393.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)
Legal Entity Type: CORPORATION

Execution Date: Jul. 09, 2013
State or Country Where Organized: DELAWARE

Assignee

Name: [CITIBANK, N.A., AS ADMINISTRATIVE AGENT](#)
Legal Entity Type: NATIONAL ASSOCIATION
Address: 390 GREENWICH STREET
NEW YORK, NEW YORK 10013

State or Country Where Organized: UNITED STATES

Correspondent

Correspondent Name: LATHAM & WATKINS LLP
Correspondent Address: 650 TOWN CENTER DRIVE, SUITE 2000
COSTA MESA, CA 92626

EXHIBIT A-11

Generated on: This page was generated by TSDR on 2014-10-01 16:23:49 EDT

Mark: EARTH BALANCE

EARTH BALANCE

US Serial Number: 85056965
US Registration Number: 3967828
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: May 24, 2011
Publication Date: Nov. 02, 2010
Application Filing Date: Jun. 08, 2010
Registration Date: May 24, 2011
Notice of Allowance Date: Dec. 28, 2010

Mark Information

Mark Literal Elements: EARTH BALANCE
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 3648468, 3708400

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Soy milk
International Class(es): 029 - Primary Class
U.S Class(es): 046
Class Status: ACTIVE
Basis: 1(a)
First Use: Jul. 29, 2010
Use in Commerce: Jul. 29, 2010

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: GFA Brands, Inc.
Owner Address: 115 West Century Road, Suite 260
Paramus, NEW JERSEY 07652
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Larry H. Tronco
Attorney Primary Email: docket@hollandhart.com
Attorney Email: Yes

Address:

Authorized:

Correspondent

Correspondent Name/Address: Larry H. Tronco
Holland & Hart LLP
P.O. Box 8749
Attn: Trademark Docketing
Denver, COLORADO 80201
UNITED STATES

Phone: (303) 473-2873

Fax: (303) 473-2720

Correspondent e-mail: docket@hollandhart.comCorrespondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 21, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
May 21, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jul. 17, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 15, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 15, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 24, 2011	REGISTERED-PRINCIPAL REGISTER	
Apr. 21, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Apr. 20, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	73296
Apr. 18, 2011	ASSIGNED TO LIE	73296
Apr. 14, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 29, 2011	STATEMENT OF USE PROCESSING COMPLETE	65362
Mar. 15, 2011	USE AMENDMENT FILED	65362
Mar. 28, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Mar. 15, 2011	TEAS STATEMENT OF USE RECEIVED	
Feb. 07, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 07, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Dec. 28, 2010	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 02, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 02, 2010	PUBLISHED FOR OPPOSITION	
Sep. 27, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	76538
Sep. 27, 2010	ASSIGNED TO LIE	76538
Sep. 18, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 18, 2010	ASSIGNED TO EXAMINER	81139
Jun. 11, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 11, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 20, 2011

Assignment Abstract Of Title Information

Summary

Total Assignments: 5

Registrant: GFA Brands, Inc.

Assignment 1 of 5

Conveyance: SECURITY INTEREST

Reel/Frame: [4512/0947](#)

Pages: 9

Date Recorded: Mar. 31, 2011

Supporting Documents: [assignment-tm-4512-0947.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#) Execution Date: Mar. 31, 2011
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)
Legal Entity Type: CHARTERED BANK State or Country Where Organized: CANADA
Address: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA
Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found

Assignment 2 of 5

Conveyance: SECURITY INTEREST
Reel/Frame: [4813/0493](#) Pages: 9
Date Recorded: Jul. 02, 2012
Supporting Documents: [assignment-tm-4813-0493.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#) Execution Date: Jul. 02, 2012
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)
Legal Entity Type: CHARTERED BANK State or Country Where Organized: CANADA
Address: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA
Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found

Assignment 3 of 5

Conveyance: RELEASE BY SECURED PARTY
Reel/Frame: [4813/0853](#) Pages: 8
Date Recorded: Jul. 02, 2012
Supporting Documents: [assignment-tm-4813-0853.pdf](#)

Assignor

Name: [BANK OF MONTREAL](#) Execution Date: Jul. 02, 2012
Legal Entity Type: CANADIAN CHARTERED BANK State or Country Where Organized: CANADA

Assignee

Name: [GFA BRANDS, INC.](#)
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE
Address: 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: JASON L. GREENBERG
Correspondent Address: ONE NEW YORK PLAZA
FRIED FRANK LLP
NEW YORK, NY 10004-1980

Domestic Representative - Not Found

Assignment 4 of 5

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [5065/0914](#)

Pages: 8

Date Recorded: Jul. 09, 2013

Supporting Documents: [assignment-tm-5065-0914.pdf](#)

Assignor

Name: [BANK OF MONTREAL, AS ADMINISTRATIVE AGENT](#)

Execution Date: Jul. 09, 2013

Legal Entity Type: CANADIAN CHARTERED BANK

State or Country Where Organized: CANADA

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: HENRY LEBOWITZ

Correspondent Address: ONE NEW YORK PLAZA
FRIED FRANK LLP
NEW YORK, NY 10004

Domestic Representative - Not Found

Assignment 5 of 5

Conveyance: TRADEMARK COLLATERAL AGREEMENT

Reel/Frame: [5068/0393](#)

Pages: 9

Date Recorded: Jul. 11, 2013

Supporting Documents: [assignment-tm-5068-0393.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Jul. 09, 2013

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [CITIBANK, N.A., AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: 390 GREENWICH STREET
NEW YORK, NEW YORK 10013

Correspondent

Correspondent Name: LATHAM & WATKINS LLP

Correspondent Address: 650 TOWN CENTER DRIVE, SUITE 2000
COSTA MESA, CA 92626

Domestic Representative - Not Found

EXHIBIT A-12

Generated on: This page was generated by TSDR on 2014-10-01 16:25:00 EDT

Mark: EARTH BALANCE

EARTH BALANCE

US Serial Number: 77200602
US Registration Number: 4029021
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Sep. 20, 2011
Publication Date: Apr. 15, 2008
Application Filing Date: Jun. 07, 2007
Registration Date: Sep. 20, 2011
Notice of Allowance Date: Jul. 08, 2008

Mark Information

Mark Literal Elements: EARTH BALANCE
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: milk
International Class(es): 029 - Primary Class
U.S Class(es): 046
Class Status: ACTIVE
Basis: 1(a)
First Use: Jul. 29, 2010
Use in Commerce: Jul. 29, 2010

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: GFA BRANDS, INC.
Owner Address: 115 West Century Road, Suite 260
Paramus, NEW JERSEY 07652
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Larry H. Tronco
Attorney Primary Email Address: docket@hollandhart.com
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Larry H. Tronco
Holland & Hart LLP
P.O. Box 8749

Attn: Trademark Docketing
Denver, COLORADO 80201
UNITED STATES

Phone: (303) 473-2873

Fax: (303) 473-2720

Correspondent e-mail: docket@hollandhart.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 21, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
May 21, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jul. 17, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 15, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 15, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Sep. 20, 2011	REGISTERED-PRINCIPAL REGISTER	
Aug. 16, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Aug. 15, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	66121
Aug. 15, 2011	ASSIGNED TO LIE	66121
Aug. 02, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jul. 13, 2011	STATEMENT OF USE PROCESSING COMPLETE	66530
Jul. 07, 2011	USE AMENDMENT FILED	66530
Jul. 07, 2011	TEAS STATEMENT OF USE RECEIVED	
Feb. 07, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 07, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 08, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 07, 2011	EXTENSION 5 GRANTED	66530
Jan. 04, 2011	EXTENSION 5 FILED	66530
Jan. 04, 2011	TEAS EXTENSION RECEIVED	
Jul. 15, 2010	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jul. 14, 2010	EXTENSION 4 GRANTED	66530
Jul. 08, 2010	EXTENSION 4 FILED	66530
Jul. 08, 2010	TEAS EXTENSION RECEIVED	
Jan. 11, 2010	EXTENSION 3 GRANTED	66530
Jan. 08, 2010	EXTENSION 3 FILED	66530
Jan. 08, 2010	TEAS EXTENSION RECEIVED	
Jul. 31, 2009	EXTENSION 2 GRANTED	66530
Jul. 08, 2009	EXTENSION 2 FILED	66530
Jul. 31, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Jul. 08, 2009	TEAS EXTENSION RECEIVED	
Jan. 02, 2009	EXTENSION 1 GRANTED	98765
Jan. 02, 2009	EXTENSION 1 FILED	98765
Jan. 02, 2009	TEAS EXTENSION RECEIVED	
Nov. 05, 2008	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jul. 08, 2008	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 15, 2008	PUBLISHED FOR OPPOSITION	
Mar. 26, 2008	NOTICE OF PUBLICATION	
Mar. 11, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	76537
Mar. 11, 2008	ASSIGNED TO LIE	76537
Feb. 16, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	

Jan. 31, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 31, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 31, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 14, 2007	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 14, 2007	NON-FINAL ACTION E-MAILED	6325
Sep. 14, 2007	NON-FINAL ACTION WRITTEN	77300
Sep. 14, 2007	ASSIGNED TO EXAMINER	77300
Jun. 12, 2007	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Aug. 15, 2011

Assignment Abstract Of Title Information

Summary

Total Assignments: 6

Registrant: GFA BRANDS, INC.

Assignment 1 of 6

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [3882/0123](#)

Pages: 3

Date Recorded: Nov. 03, 2008

Supporting Documents: [assignment-tm-3882-0123.pdf](#)

Assignor

Name: [SMART BALANCE, INC.](#)

Execution Date: Oct. 31, 2008

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: PATRICK M. BERGIN

Correspondent Address: 111 E. KILBOURN AVE.
SUITE 1400
MILWAUKEE, WI 53202

Domestic Representative - Not Found

Assignment 2 of 6

Conveyance: SECURITY INTEREST

Reel/Frame: [4091/0319](#)

Pages: 10

Date Recorded: Nov. 05, 2009

Supporting Documents: [assignment-tm-4091-0319.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Nov. 04, 2009

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)

Legal Entity Type: CHARTERED BANK

State or Country Where
Organized: CANADA

Address: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA

Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP

Domestic Representative - Not Found

Assignment 3 of 6

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [4812/0734](#)

Pages: 7

Date Recorded: Jul. 02, 2012

Supporting Documents: [assignment-tm-4812-0734.pdf](#)

Assignor

Name: [BANK OF MONTREAL](#)

Execution Date: Jul. 02, 2012

Legal Entity Type: CANADIAN CHARTERED BANK

State or Country Where
Organized: CANADA

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWAREAddress: 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: JASON L. GREENBERG

Correspondent Address: ONE NEW YORK PLAZA
FRIED FRANK LLP
NEW YORK, NY 10004-1980

Domestic Representative - Not Found

Assignment 4 of 6

Conveyance: SECURITY INTEREST

Reel/Frame: [4813/0493](#)

Pages: 9

Date Recorded: Jul. 02, 2012

Supporting Documents: [assignment-tm-4813-0493.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Jul. 02, 2012

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)

Legal Entity Type: CHARTERED BANK

State or Country Where
Organized: CANADAAddress: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA

Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found

Assignment 5 of 6

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [5065/0914](#)

Pages: 8

Date Recorded: Jul. 09, 2013

Supporting Documents: [assignment-tm-5065-0914.pdf](#)

Assignor

Name: [BANK OF MONTREAL, AS ADMINISTRATIVE
AGENT](#)

Execution Date: Jul. 09, 2013

Legal Entity Type: CANADIAN CHARTERED BANK

State or Country Where
Organized: CANADA

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWAREAddress: 115 WEST CENTURY ROAD
SUITE 260

PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: HENRY LEBOWITZ

Correspondent Address: ONE NEW YORK PLAZA
FRIED FRANK LLP
NEW YORK, NY 10004

Domestic Representative - Not Found

Assignment 6 of 6

Conveyance: TRADEMARK COLLATERAL AGREEMENT

Reel/Frame: [5068/0393](#)

Pages: 9

Date Recorded: Jul. 11, 2013

Supporting Documents: [assignment-tm-5068-0393.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Jul. 09, 2013

Legal Entity Type: CORPORATION

**State or Country Where
Organized:** DELAWARE

Assignee

Name: [CITIBANK, N.A., AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: NATIONAL ASSOCIATION

**State or Country Where
Organized:** UNITED STATES

Address: 390 GREENWICH STREET
NEW YORK, NEW YORK 10013

Correspondent

Correspondent Name: LATHAM & WATKINS LLP

Correspondent Address: 650 TOWN CENTER DRIVE, SUITE 2000
COSTA MESA, CA 92626

Domestic Representative - Not Found

EXHIBIT A-13

Generated on: This page was generated by TSDR on 2014-10-01 16:26:14 EDT

Mark: EARTH BALANCE

EARTH BALANCE

US Serial Number: 85056989
US Registration Number: 4029650
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Sep. 20, 2011
Publication Date: Nov. 30, 2010
Application Filing Date: Jun. 08, 2010
Registration Date: Sep. 20, 2011
Notice of Allowance Date: Jan. 25, 2011

Mark Information

Mark Literal Elements: EARTH BALANCE
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 3648468, 3708400

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Mayonnaise; soy mayonnaise
International Class(es): 030 - Primary Class
U.S Class(es): 046
Class Status: ACTIVE
Basis: 1(a)
First Use: May 2011
Use in Commerce: May 2011

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: GFA Brands, Inc.
Owner Address: 115 West Century Road, Suite 260
Paramus, NEW JERSEY 07652
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Larry H. Tronco
Attorney Primary Email: docket@hollandhart.com
Attorney Email: Yes

Address:

Authorized:

Correspondent

Correspondent Name/Address: Larry H. Tronco
Holland & Hart LLP
P.O. Box 8749
Attn: Trademark Docketing
Denver, COLORADO 80201
UNITED STATES

Phone: (303) 473-2873

Fax: (303) 473-2720

Correspondent e-mail: docket@hollandhart.comCorrespondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 21, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
May 21, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jul. 17, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 15, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 15, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Sep. 20, 2011	REGISTERED-PRINCIPAL REGISTER	
Aug. 16, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Aug. 15, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	68123
Aug. 13, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 10, 2011	STATEMENT OF USE PROCESSING COMPLETE	66230
Jul. 21, 2011	USE AMENDMENT FILED	66230
Aug. 10, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66230
Jul. 21, 2011	TEAS STATEMENT OF USE RECEIVED	
Feb. 07, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 07, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 25, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 30, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 30, 2010	PUBLISHED FOR OPPOSITION	
Oct. 26, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
Oct. 26, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 13, 2010	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Oct. 08, 2010	WITHDRAWN FROM PUB - OG REVIEW QUERY	60756
Sep. 27, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
Sep. 27, 2010	ASSIGNED TO LIE	68123
Sep. 18, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 18, 2010	ASSIGNED TO EXAMINER	81139
Jun. 12, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 11, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Aug. 15, 2011

Assignment Abstract Of Title Information

Summary

Total Assignments: 5

Registrant: GFA Brands, Inc.

Assignment 1 of 5

Conveyance: SECURITY INTEREST

Reel/Frame: [4512/0947](#)

Pages: 9

Date Recorded: Mar. 31, 2011

Supporting Documents: [assignment-tm-4512-0947.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Mar. 31, 2011

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)

Legal Entity Type: CHARTERED BANK

State or Country Where
Organized: CANADA

Address: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA

Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found

Assignment 2 of 5

Conveyance: SECURITY INTEREST

Reel/Frame: [4813/0493](#)

Pages: 9

Date Recorded: Jul. 02, 2012

Supporting Documents: [assignment-tm-4813-0493.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Jul. 02, 2012

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)

Legal Entity Type: CHARTERED BANK

State or Country Where
Organized: CANADA

Address: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA

Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found

Assignment 3 of 5

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [4813/0853](#)

Pages: 8

Date Recorded: Jul. 02, 2012

Supporting Documents: [assignment-tm-4813-0853.pdf](#)

Assignor

Name: [BANK OF MONTREAL](#)

Execution Date: Jul. 02, 2012

Legal Entity Type: CANADIAN CHARTERED BANK

State or Country Where
Organized: CANADA

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: JASON L. GREENBERG

Correspondent Address: ONE NEW YORK PLAZA
FRIED FRANK LLP

NEW YORK, NY 10004-1980

Domestic Representative - Not Found

Assignment 4 of 5

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [5065/0914](#)

Pages: 8

Date Recorded: Jul. 09, 2013

Supporting Documents: [assignment-tm-5065-0914.pdf](#)

Assignor

Name: [BANK OF MONTREAL, AS ADMINISTRATIVE AGENT](#)

Execution Date: Jul. 09, 2013

Legal Entity Type: CANADIAN CHARTERED BANK

State or Country Where Organized: CANADA

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: HENRY LEBOWITZ

Correspondent Address: ONE NEW YORK PLAZA
FRIED FRANK LLP
NEW YORK, NY 10004

Domestic Representative - Not Found

Assignment 5 of 5

Conveyance: TRADEMARK COLLATERAL AGREEMENT

Reel/Frame: [5068/0393](#)

Pages: 9

Date Recorded: Jul. 11, 2013

Supporting Documents: [assignment-tm-5068-0393.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Jul. 09, 2013

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [CITIBANK, N.A., AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: 390 GREENWICH STREET
NEW YORK, NEW YORK 10013

Correspondent

Correspondent Name: LATHAM & WATKINS LLP

Correspondent Address: 650 TOWN CENTER DRIVE, SUITE 2000
COSTA MESA, CA 92626

Domestic Representative - Not Found

EXHIBIT A-14

Generated on: This page was generated by TSDR on 2014-10-01 16:27:14 EDT

Mark: EARTH BALANCE

EARTH BALANCE

US Serial Number: 85056972

Application Filing Date: Jun. 08, 2010

US Registration Number: 4112473

Registration Date: Mar. 13, 2012

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Mar. 13, 2012

Publication Date: May 10, 2011

Notice of Allowance Date: Jul. 05, 2011

Mark Information

Mark Literal Elements: EARTH BALANCE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 3648468, 3708400

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Soy eggnog

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 05, 2011

Use in Commerce: Oct. 05, 2011

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: GFA Brands, Inc.

Owner Address: 115 West Century Road, Suite 260
Paramus, NEW JERSEY 07652
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Larry H. Tronco

Attorney Primary Email docket@hollandhart.com

Attorney Email Yes

Address:

Authorized:

Correspondent

Correspondent Name/Address: Larry H. Tronco
Holland & Hart LLP
P.O. Box 8749
Attn: Trademark Docketing
Denver, COLORADO 80201
UNITED STATES

Phone: (303) 473-2873

Fax: (303) 473-2720

Correspondent e-mail: docket@hollandhart.comCorrespondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 21, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
May 21, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jul. 17, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 15, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 15, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Mar. 13, 2012	REGISTERED-PRINCIPAL REGISTER	
Feb. 08, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Feb. 07, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	77976
Feb. 04, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 01, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 31, 2012	STATEMENT OF USE PROCESSING COMPLETE	70565
Jan. 04, 2012	USE AMENDMENT FILED	70565
Jan. 31, 2012	EXTENSION 1 GRANTED	70565
Jan. 04, 2012	EXTENSION 1 FILED	70565
Jan. 31, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70565
Jan. 04, 2012	TEAS EXTENSION RECEIVED	
Jan. 04, 2012	TEAS STATEMENT OF USE RECEIVED	
Jul. 05, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
May 10, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 10, 2011	PUBLISHED FOR OPPOSITION	
Apr. 02, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	77976
Apr. 01, 2011	ASSIGNED TO LIE	77976
Mar. 17, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 15, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 15, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 15, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 07, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 07, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Sep. 20, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 20, 2010	NON-FINAL ACTION E-MAILED	6325
Sep. 20, 2010	NON-FINAL ACTION WRITTEN	81139
Sep. 18, 2010	ASSIGNED TO EXAMINER	81139
Jun. 11, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 11, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location	
Current Location: PUBLICATION AND ISSUE SECTION	Date in Location: Feb. 07, 2012
Assignment Abstract Of Title Information	
Summary	
Total Assignments: 5	Registrant: GFA Brands, Inc.
Assignment 1 of 5	
Conveyance: SECURITY INTEREST	
Reel/Frame: 4512/0947	Pages: 9
Date Recorded: Mar. 31, 2011	
Supporting Documents: assignment-tm-4512-0947.pdf	
Assignor	
Name: GFA BRANDS, INC.	Execution Date: Mar. 31, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Assignee	
Name: BANK OF MONTREAL, AS AGENT	
Legal Entity Type: CHARTERED BANK	State or Country Where Organized: CANADA
Address: 115 SOUTH LASALLE STREET CHICAGO, ILLINOIS 60603	
Correspondent	
Correspondent Name: RICHARD KALWA	
Correspondent Address: 111 WEST MONROE STREET CHAPMAN AND CUTLER LLP CHICAGO, IL 60603	
Domestic Representative - Not Found	
Assignment 2 of 5	
Conveyance: SECURITY INTEREST	
Reel/Frame: 4813/0493	Pages: 9
Date Recorded: Jul. 02, 2012	
Supporting Documents: assignment-tm-4813-0493.pdf	
Assignor	
Name: GFA BRANDS, INC.	Execution Date: Jul. 02, 2012
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Assignee	
Name: BANK OF MONTREAL, AS AGENT	
Legal Entity Type: CHARTERED BANK	State or Country Where Organized: CANADA
Address: 115 SOUTH LASALLE STREET CHICAGO, ILLINOIS 60603	
Correspondent	
Correspondent Name: RICHARD KALWA	
Correspondent Address: 111 WEST MONROE STREET CHAPMAN AND CUTLER LLP CHICAGO, IL 60603	
Domestic Representative - Not Found	
Assignment 3 of 5	
Conveyance: RELEASE BY SECURED PARTY	
Reel/Frame: 4813/0853	Pages: 8
Date Recorded: Jul. 02, 2012	
Supporting Documents: assignment-tm-4813-0853.pdf	
Assignor	
Name: BANK OF MONTREAL	Execution Date: Jul. 02, 2012
Legal Entity Type: CANADIAN CHARTERED BANK	State or Country Where Organized: CANADA
Assignee	
Name: GFA BRANDS, INC.	

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: JASON L. GREENBERG

Correspondent Address: ONE NEW YORK PLAZA
FRIED FRANK LLP
NEW YORK, NY 10004-1980

Domestic Representative - Not Found

Assignment 4 of 5

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [5065/0914](#)

Pages: 8

Date Recorded: Jul. 09, 2013

Supporting Documents: [assignment-tm-5065-0914.pdf](#)

Assignor

Name: [BANK OF MONTREAL, AS ADMINISTRATIVE
AGENT](#)

Execution Date: Jul. 09, 2013

Legal Entity Type: CANADIAN CHARTERED BANK

State or Country Where
Organized: CANADA

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: HENRY LEBOWITZ

Correspondent Address: ONE NEW YORK PLAZA
FRIED FRANK LLP
NEW YORK, NY 10004

Domestic Representative - Not Found

Assignment 5 of 5

Conveyance: TRADEMARK COLLATERAL AGREEMENT

Reel/Frame: [5068/0393](#)

Pages: 9

Date Recorded: Jul. 11, 2013

Supporting Documents: [assignment-tm-5068-0393.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Jul. 09, 2013

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: [CITIBANK, N.A., AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where
Organized: UNITED STATES

Address: 390 GREENWICH STREET
NEW YORK, NEW YORK 10013

Correspondent

Correspondent Name: LATHAM & WATKINS LLP

Correspondent Address: 650 TOWN CENTER DRIVE, SUITE 2000
COSTA MESA, CA 92626

Domestic Representative - Not Found

EXHIBIT A-15

Generated on: This page was generated by TSDR on 2014-10-01 16:28:14 EDT

Mark: EARTH BALANCE

EARTH BALANCE

US Serial Number: 85347834	Application Filing Date: Jun. 16, 2011
US Registration Number: 4203379	Registration Date: Sep. 04, 2012
Filed as TEAS Plus: Yes	Currently TEAS Plus: Yes
Register: Principal	
Mark Type: Trademark	
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.	
Status Date: Sep. 04, 2012	
Publication Date: Nov. 08, 2011	Notice of Allowance Date: Jan. 03, 2012

Mark Information

Mark Literal Elements: EARTH BALANCE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 2237867, 3708400, 3967828 and others

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Vegetable-based spreads

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: May 2011

Use in Commerce: May 2011

For: Salad dressing

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: May 2011

Use in Commerce: May 2011

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: GFA Brands, Inc.

Owner Address: 115 West Century Road, Suite 260
Paramus, NEW JERSEY 07652
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Larry H. Tronco

Attorney Primary Email Address: docket@hollandhart.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Larry H. Tronco
Holland & Hart LLP
P.O. Box 8749
Attn: Trademark Docketing
Denver, COLORADO 80201
UNITED STATES

Phone: (303) 473-2873

Fax: (303) 473-2720

Correspondent e-mail: docket@hollandhart.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 21, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
May 21, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jul. 17, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 04, 2012	REGISTERED-PRINCIPAL REGISTER	
Jul. 28, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jul. 27, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	68123
Jul. 24, 2012	ASSIGNED TO LIE	68123
Jul. 09, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jul. 02, 2012	STATEMENT OF USE PROCESSING COMPLETE	76873
Jun. 08, 2012	USE AMENDMENT FILED	76873
Jun. 29, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76873
Jun. 08, 2012	TEAS STATEMENT OF USE RECEIVED	
Mar. 15, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 15, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 03, 2012	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 08, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 08, 2011	PUBLISHED FOR OPPOSITION	
Oct. 05, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 27, 2011	ASSIGNED TO EXAMINER	78428
Jun. 21, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 20, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jul. 27, 2012

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: GFA Brands, Inc.

Assignment 1 of 1

Conveyance: TRADEMARK COLLATERAL AGREEMENT

Reel/Frame: [5068/0393](#)

Pages: 9

Date Recorded: Jul. 11, 2013

Supporting Documents: [assignment-tm-5068-0393.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Jul. 09, 2013

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: [CITIBANK, N.A., AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where
Organized: UNITED STATES

Address: 390 GREENWICH STREET
NEW YORK, NEW YORK 10013

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Correspondent Name: LATHAM & WATKINS LLP

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COSTA MESA, CA 92626

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